THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUN 29 2023
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable? George McFaddin

Case No.: 2020-CP-40-06054

Appellate Case No. 2023-000781

Alan G. Nix

Appellant,

v.

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

Respondents,

APPELLANT'S RETURN TO MOTION TO DISMISS

Alan Nix files this return to McCabe Trotter's and Respondent(s) motion to dismiss from 19 Jun 2023.

Exhibits included and incorporated by reference:

A. Email from 22 Dec 2022 along with one of the attachments

B. Entry of Default to Churchill Park Homeowners' Association, Inc. dated 2 July 2021

C. Email from 13 Jan 2023 related to motion hearing for case 2020-CP-40-06054

D. Letter dated 12 Jun 2023 in reference to case 2023-CP-10-00913

E. Letter dated 26 Jun 2023 in reference to appeal 2022-001155 (without attachments)

F. Proof of Service for motion dated 8 May 2023 related to this appeal and requesting remand to circuit court

G. 1 Jun 2021 letter "RE: Mediation – Case number 2020-CP-40-06054"

H. Copy of 19 Jan 2023 Rule 59/60 motion in this case (not included in copies of this return being served on parties which have previously received this lengthy motion)

Respondent "Churchill Park"'s and their attorney's basic premise for their motion to dismiss filed 19 Jun 2023 appears to be because Appellant has failed to timely serve his initial brief as required by Rule 208(a)(1), SCACR. In support of their motion, they lay out a set of facts starting with the date of "*on or about November 16, 2020*" and ending with the date of 3 May 2023. Curiously absent from McCabe Trotter's and "Churchill Park"'s listed set of events are several other dates and activities related to this matter which are included as exhibits with this motion (and incorporated by reference), including most conspicuously, Appellant's motion to remand dated and mailed on 8 May 2023. (See exhibit F, Proof of Service for motion to remand).

Given Appellant's motion to remand this case back to the circuit court mailed on 8 May 2023, Appellant had no rationale reason to spend valuable time and resources on an initial brief in this appeal until such time as his motion to remand from almost two months ago has been ruled on and served. Given the basis provided to remand in the 8 May 2023 motion, appellant believed at the time it was mailed, and even more so now, that the case should be remanded and that the SC Court of Appeals should and will grant his motion to remand.

Given Ms. Trotter's willing choice in her 19 June 2023 motion to further the scheme which started sometime between 22 Dec 2022 and 3 Jan 2023, Appellant wishes to take this opportunity to again address this issue in more detail. At the top of page two of the 19 Jun 2023 motion, Ms. Trotter states in part that *"McFaddin Jr. entered an order dismissing Appellant's claims against Respondents."* Appellant now directs the Court and the Office

of Disciplinary Counsel to Exhibits A, B, C and H. As an initial matter, it is indisputable that Churchill Park Homeowners' Association, Inc. has been formally in default in case 2020-CP-40-06054 since 2 July 2021. It is also indisputable that Churchill Park Homeowners' Association, Inc has never appeared in this case through counsel or otherwise and apparently never notified Hood Hargett / Auto Owners Insurance to provide representation. Despite these clear facts, sometime between 22 Dec 2022 and 3 Jan 2023, someone changed the title from "ORDER GRANTING CHURCHILL PARK'S MOTIONS TO SET ASIDE, DEFAULT, MOTIONS TO DISMISS, AND MOTION FOR SANCTIONS (including Gatekeeper Order & Attorney's Fees) (See Exhibit A) to "ORDER GRANTING DEFENDANTS MOTION TO SET ASIDE DEFAULT, MOTION TO DISMISS, AND MOTION FOR SANCTIONS", thereby giving the improper appearance that the 3 Jan 2023 order applied to both "Churchill Park" and Churchill Park Homeowners' Association, Inc.. Then, on 13 Jan 2023, Trotter sent an email to Mr. Gunter and Judge Benjamin stating in part that "*Judge McFaddin dismissed Plaintiff's Complaint in its entirety as to all defendants by an order dated January 3, 2023.*", a clear and willful furtherance of the misrepresentation scheme which started with the order dated 3 Jan 2023. (See exhibit C) Then, on or about 22 Feb 2023, McCabe, Trotter and Bryant filed the action in Charleston County which is included with the letter dated 12 June 2023. (See Exhibit D).

As of 1 Nov 2022, Hood Hargett confirmed that they managed an insurance policy for Auto Owners Insurance Company that insured Churchill Park Homeowners' Association, Inc. and the address used for invoicing at that time was 1132 Willoughby Ln., Mt. Pleasant, SC 29466.

Given the letter dated 12 Jun 2023 was received by McCabe & Trotter on 14 Jun 2023, a copy of the letter was mailed to Hood Hargett on 13 June 2023 notifying them of the lawsuit and the necessity of providing legal representation for Churchill Park Homeowners' Association, Inc., and a claim against a different Auto Owner's insurance policy was emailed to numerous parties on the afternoon of 16 Jun 2023, Ms. Trotter's desperate and improper motion to dismiss this appeal filed 19 Jun 2023 is not the least surprising.

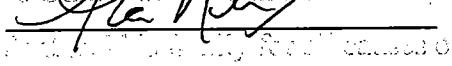
For these reasons, Appellant requests the Court to:

1. Deny McCabe, Trotter, Bryant's and "Churchill Park"'s motion to dismiss

2. Grant Appellant's motion to remand from 8 May 2023 and set aside orders dated 3 Jan 2023.
3. If necessary, grant Appellant at least 15 days after ruling on his motion to remand to file an initial brief.
4. Disqualify McCabe, Trotter & Bryant from this appeal and all other cases involving any of the numerous Churchill entities utilized in the past, including but not limited to, "Churchill Park" and Churchill Park Homeowners' Association, Inc.
5. Refer McCabe, Trotter & Bryant and Mr. McFaddin, as well as any other attorneys and or judicial officers involved in this scheme, to the ODC and law enforcement.
6. Grant tolling of statute of limitations to appellant and his family for all causes of action which may end before this scheme is properly dealt with. (eg. 20 August 2020, 6 Oct 2020, 23 Oct 2020, 2 Nov 2020, 31 Dec 2020, 22 Jan 2021, 25 Jan 2021, 14 May 2021, 17 May 2021, etc.)
7. Cross reference this case with appeal 2022-001155
8. Any and all other significant sanctions the court deems appropriate to ensure such egregious misconduct never occurs again in this State's judicial system.
9. any other and further relief as the Court deems just, prudent and proper.

June 29, 2023

Respectfully submitted,



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

Exhibit

A

alan.g.nix@gmail.com

From:	James Stewart <James.Stewart@mccabetrotter.com>
Sent:	Thursday, December 22, 2022 9:31 AM
To:	alan.g.nix@gmail.com
Cc:	Morgan Bryant
Subject:	017990.00030: Churchill Park / Nix v. Churchill Park, et al. (2020-CP-40-06054) / 017990.00031: Churchill Park / Nix v. Churchill Park, et al. (2020-CP-40-05255) Orders and Affidavits of Attorneys' Fees
Attachments:	Letter with Certificates of Service - signed.pdf; Proposed Order 2020CP406054.docx; Proposed Order 2020CP405255.docx; Churchill Park- Signed Aff of Attys Fees (6054 matter).pdf; Churchill Park- Signed Aff of Attys Fees (5255 matter).pdf

Re: Alan G. Nix v. Churchill Park and Churchill Park Homeowners' Association, Inc.
C/A No.: 2020-CP-40-06054 and 2020-CP-40-5255
MTB File No.: 017990.00030 and 017990.00031

Dear Mr. Nix:

Enclosed, for service upon you, please find the following proposed Orders and Affidavits of Attorneys' Fees for Richland County matters 2020-CP-40-6054 and 2020-CP-40-5255 sent by US Mail.

Should you have questions or concerns, please do not hesitate to let me know.

With kind regards, I am,

Sincerely yours,

James Stewart
Paralegal

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STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	CIVIL ACTION NUMBER: 2020-CP-40-6054
Alan G. Nix, Plaintiff, v. Churchill Park and Churchill Park Homeowners' Association, Inc., Defendants.	**ORDER GRANTING CHURCHILL PARK'S MOTIONS TO SET ASIDE DEFAULT, MOTION TO DISMISS, AND MOTION FOR SANCTIONS (including Gatekeeper Order & Attorney's Fees)**

(017990.00030)

This matter came before me on November 2, 2022 on Defendant Churchill Park's Motion to Set Aside Entry of Default, Motion to Dismiss and Motion for Sanctions, as well as Plaintiff's Motions for Prejudgment Lien/Appointment of a Receiver, and Plaintiff's verbal motion for continuance. A hearing took place via Webex. Present at the hearing were V. Morgan Bryant, Esquire, as counsel for Defendant Churchill Park, and Alan G. Nix, appearing *pro se*.

Upon review of the record, pleadings, and file available to the Court, this Court GRANTS Defendant's Motion to Set Aside Entry of Default, Defendant's Motion to Dismiss and Motion for Sanctions. Being that Defendant's Motion to Dismiss is dispositive of the case, Plaintiff's motions are hereby DENIED.

FACTUAL AND PROCEDURAL HISTORY

Plaintiff, Alan Nix ("Nix" or "Plaintiff"), 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-10-4031[1]). 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. 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 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-40-05255, asserting almost identical unfair trade practice claims related

[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.
[2] See C/A 2018-CP-10-03315.

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 filed in 2020-CP-40-05255 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.

Plaintiff had all applicable contact information for Churchill Park and its legal counsel and stayed in relatively constant contact with them, but Plaintiff did not attempt to notify Churchill Park or its legal counsel of the filing of this suit. Instead, Plaintiff attempted to serve Churchill Park's registered agent via mail almost four months after filing the suit. However, the USPS receipt shows the mail was not sent via restricted delivery as required by Rule 4, SCRCP, and the signature of the recipient is illegible, making it impossible to determine whether the mail was accepted by an authorized recipient. Due to these deficiencies, Churchill Park did not respond to the Complaint, and the Clerk of Court entered default against Churchill Park on July 2, 2021.

To date, Plaintiff has not properly served Churchill Park. Churchill Park discovered this lawsuit, and that default had been entered against Churchill Park, in February of 2022 after Plaintiff had filed and properly served a copy of his Motion for Prejudgment Lien/Appointment of Receiver. Defendant immediately filed its Motion to Set Aside Entry of Default on February 3, 2022. Counsel for Defendant also filed the subject Motion to Dismiss and Motion for Sanctions on February 7, 2022, and served Plaintiff with same. Plaintiff has not filed any response to Defendant's Motions.

DISCUSSION AND ANALYSIS

I. Defendant's Motion to Set Aside Entry of Default is GRANTED.

In South Carolina, "[s]ervice of a summons and complaint upon a defendant . . . may be made by the plaintiff . . . by registered or certified mail, return receipt requested, and delivery restricted to addressee." Rule 4(d)(8), SCRCP. Service via certified mail "shall not be the basis for an entry of default unless the record contains a return receipt showing the acceptance by the defendant." Id. Additionally, "service upon a corporation may only be accomplished by service upon an authorized person; thus, a corporate defendant accepts service of process when a person authorized to accept service does so for the corporation." *Graham Law Firm, P.A. v. Makawi,* 396 S.C. 290, 297, 721 S.E.2d 430, 434 (2012).

Plaintiff alleges that he served Churchill Park via certified mail with accompanying tracking number. Plaintiff filed a USPS payment receipt showing he purchased priority mail, certified with a return receipt. However, the receipt did not show Plaintiff purchased restricted delivery. Additionally, Plaintiff's own Affidavit of Default fails to allege that he sent the summons and complaint via restricted delivery. Because Rule 4(d)(8) requires that a plaintiff serving a summons and complaint via certified mail do so by restricted delivery, and because Plaintiff's own filings indicated that he did not restrict delivery, Plaintiff is not entitled to presumption of proper service. Accordingly, Plaintiff has the burden of proof to show an authorized person of Churchill Park accepted service. Plaintiff has failed to meet that burden.

Based on Plaintiff's filings, one of the USPS tracking reports bears a signature of the person who received the mail, but it is illegible, making it impossible to determine whether the person who accepted service was authorized to do so on behalf of Churchill Park. Plaintiff filed a second proof of service, bearing the same tracking number, but displaying a different illegible signature. Based on the evidence offered by the Defendant, the electronic tracking showed a second mail item was delivered to Churchill Park Homeowners' Association, Inc., at exactly the same time as

the Churchill Park item and bears the same signature. However, the USPS return receipt filed by the Plaintiff for that item shows a different signature from the electronic tracking and the return receipt for Churchill Park. Plaintiff acknowledged in his April 26, 2021 letter to the Clerk of Court that he cannot read the signature, and therefore Plaintiff cannot swear and affirm that Churchill Park accepted service of the summons and complaint. Accordingly, Plaintiff failed to demonstrate proper service of process upon Churchill Park.

For all of the foregoing reasons, Defendant's Motion to Set Aside Entry of Default is GRANTED.

II. Defendant's Motion to Dismiss is GRANTED.

For all of the following reasons, Defendant's Motion to Dismiss the Complaint in its entirety is GRANTED:

a. Failure to Comply with 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.

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, as explained in this Court's reasoning for granting Defendant's Motion to Set Aside Entry of Default, Plaintiff 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. Gilland,* 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 civil action number 2020-CP-40-05255[3] and this action 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-40-05255 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.

[3] While Alan G. Nix is not listed as a Plaintiff in the caption on the Complaint in Case 2020-05255, he is listed in the caption on the Summons, paragraph 3 of the Complaint alleges Alan G. Nix is a Plaintiff, and Alan G. Nix signed the complaint individually.

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.

III. 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 the 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 the 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 prefiling 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, SCRCP.

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. Plaintiff's behavior is a continual demonstration that he view litigation as a game. It would be inequitable to allow the Plaintiff 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 **Five Thousand, Two Hundred and Ninety Dollars ($5,290.00)**, which this Court finds reasonable.

CONCLUSION

IT IS THEREFORE ORDERED that:

1. Churchill Park's Motion to Set Aside Entry of Default is GRANTED;
2. the Complaint is DISMISSED with prejudice;
3. 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.
4. Plaintiff is ordered to pay legal fees incurred by Churchill Park in the amount of **$5,290.00**; and
5. Plaintiff's Motion for Prejudgment Lien and Motion for Continuance or DENIED.

IT IS SO ORDERED. +

[*SIGNATURE PAGE TO FOLLOW*]

Exhibit

B

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS THE FIFTH JUDICIAL CIRCUIT
ALAN G. NIX, Plaintiff, vs. CHURCHILL PARK AND CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC, Defendants.	)	CASE NUMBER: 2020-CP-40-06054 **ENTRY OF DEFAULT**

RICHLAND COUNTY
FILED
2021 JUL -2 PM 3:00
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

1. Defendant Churchill Park Homeowners' Association, Inc. was served with a copy of the Summons and Complaint by way of registered mail upon its Registered Agents, Cedar Management Group and Incorp Systems, Inc., on March 15, 2021.
2. Defendant Churchill Park Homeowners' Association, Inc. is not an infant, incompetent, nor in the military.
3. Defendant Churchill Park Homeowners' Association, Inc. has failed to answer, plead or otherwise defend the action in the time allowed by Rule 12, SCRCP.

THEREFORE, pursuant to Rule 55(a), SCRCP, default is hereby entered against Defendant Churchill Park Homeowners' Association, Inc.

7.2, 2021

Jeanette W. McBride
Clerk of Court, Richland County

Exhibit

C

alan.g.nix@gmail.com

From: PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>
Sent: Friday, January 13, 2023 9:09 AM
To: 'Stephanie Kellahan'; DBenjaminLC@SCCourts.org
Cc: Alan G. Nix; Morgan Bryant
Subject: RE: Case 2020CP4006054-Alan G Nix vs Churchill Park added to Court Roster for period 2023-02-06 through 2023-02-10.

Thank you for the update. I will double check the order and remove accordingly.

Paul J. Gunter
Common Pleas Court Coordinator
Richland County Clerk of Court
1701 Main Street
Columbia, SC 29201
Gunter.paul@richlandcountysc.gov
P 803-576-1932 F 803-576-1785

Confidential and Privileged:
Unless otherwise indicated or obvious from the nature of the communication, the information contained herein may be privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmittal is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.
If you have received this communication in error or are not sure whether it is privileged, please immediately notify me by return email and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

-----Original Message-----
From: Stephanie Kellahan <Stephanie.Kellahan@mccabetrotter.com>
Sent: Friday, January 13, 2023 8:58 AM
To: PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>; DBenjaminLC@SCCourts.org
Cc: Alan G. Nix <alan.g.nix@gmail.com>; Morgan Bryant <Morgan.Bryant@mccabetrotter.com>
Subject: FW: Case 2020CP4006054-Alan G Nix vs Churchill Park added to Court Roster for period 2023-02-06 through 2023-02-10.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Judge McFaddin dismissed Plaintiff's Complaint in its entirety as to all defendants by an order dated January 3, 2023. Accordingly I believe it is proper to remove this matter from the trial roster. Please confirm whether counsel and parties still need to attend this roster meeting in light of this information. Thank you for your time and consideration in this matter.

Stephanie Trotter Kellahan
Shareholder
4500 Fort Jackson Blvd.
Suite 250
Columbia, SC 29209
Direct Line: (803) 724-5008
Fax: (803) 724-5001
Licensed in South Carolina and North Carolina

-----Original Message-----
From: Courtmail40_DoNotReply@sccourts.org <Courtmail40_DoNotReply@sccourts.org>
Sent: Friday, January 6, 2023 4:53 PM
To: Stephanie Trotter <Stephanie.Trotter@mccabetrotter.com>
Cc: GUNTER.PAUL@richlandcountysc.gov
Subject: Case 2020CP4006054-Alan G Nix vs Churchill Park added to Court Roster for period 2023-02-06 through 2023-02-10.

A Roster Meeting will be held on Monday February 6th, 2023 at 9:00 A.M.in Courtroom 2-A. ATTENDANCE IS MANDATORY. If your case is not reached during this term will carry over to the next term unless continued by the Chief Administrative Judge. Any request for a Continuance should be filed along with the required filing fee no later than 12pm Monday January 30th, 2022. ALL proposed orders of continuance must be accompanied by a motion. If a Status Conference is necessary, it will be conducted following the roster meeting. If you have any questions or concerns please contact Judge Benjamin's law clerk at and/or Paul Gunter at Gunter.Paul@RichlandCountySC.Gov.
CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

NOTICES
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DEBT COLLECTOR: This firm collects debts for our clients who are creditors. Any information obtained will be used for that purpose. However, if you have previously received a discharge in bankruptcy, this message is not and should not be construed as an attempt to collect a debt, but only as an attempt to enforce a lien.

To opt out of future emails please respond to optout@mccabetrotter.com with a subject of Opt-Out.

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 Densmore 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
880 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464

"Churchill Park"
c/o S&S Services Group
3081 DeVille St.
Myrtle Beach, SC 29577

Churchill Park Homeowners' Association, Inc.
c/o Lee Janssen
1132 Willoughby Ln.
Mt. Pleasant, SC 20466
(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 9505513446773154101003. 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
Register of Deeds, County of Charleston
101 Meeting St.
Charleston, SC 29401

Michael & Taryn Lazroff
1401 Densmore 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

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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 "CPHAI") 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 I(d).) The homeowners association was not incorporated when the Declaration was filed.

7. On January 24, 2000, Articles of Incorporation for CPHAI 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 CPHAI 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 I, 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. 1,036 ACRES, AND H.O.A. WETLAND/BUFFER 1.417 ACRES**" on that certain plat by Southeastern Surveying, Inc., entitled "A FINAL

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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 H.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

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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, CHPAI 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.

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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.

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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 Judgement – 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;

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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 is 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

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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.

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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

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Exhibit

E

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.

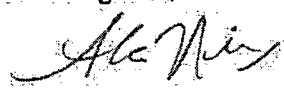
Lastly, what I am relatively sure of is that it is not within the scope of your job to knowingly engage in improper conduct to attempt to protect corrupt judge(s), attorneys and clerk(s) of court. I recommend you review exhibit 6 (six) in detail and operate in compliance with the stated Canons. Additionally, 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

Exhibit

F

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-40-006054

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

Alan G. Nix

Appellant,

v.

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

Respondents,

PROOF OF SERVICE

The undersigned certifies that a copy of Appellant Alan Nix's motion to remand case to circuit court was served upon the individuals listed below by mailing or hand delivering a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 8th day of May 2023 to:

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

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

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

Dated: May 8, 2023

Respectfully submitted,

By: _____

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

Exhibit

G

1 June 2021

RICHLAND COUNTY
FILED
2021 JUN -7 PM 3:43
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

Alan Nix
1401 Densmore Circle
Mt. Pleasant, SC 29466

Churchill Park Homeowners' Association, Inc.
c/o Cedar Management Group
P.O. Box 26844
Charlotte, NC 28221

Churchill Park
c/o Regus
c/o Cedar Management Group
1320 Main St., Ste. 300
Columbia, SC 29201

Churchill Park Homeowners' Association, Inc.
c/o Regus
c/o Cedar Management Group
1320 Main St., Ste. 300.
Columbia, SC 29201

RE: Mediation - Case number 2020-CP-40-06054

Churchill Park (incorp 31 July 2003), Churchill Park Homeowners' Association, Inc and Cedar Management Group and Regus on behalf of Churchill Park (incorp 31 July 2003) and Churchill Park Homeowners' Association, Inc.

Given we are coming up on three months since the date of service and we probably have to make some minimal effort at mediation soon, I'm reaching out related to the Supreme Court's alternative dispute resolution requirement. Consequently, I am sending this letter to ensure I have made some effort to check that box on my side.

While admitting I haven't had a chance to previously ask Mr. Young and Mr. Whitsett about their availability and/or possible conflicts of interest, by way of this letter, I nominate Mr. Young and Mr. Whitsett as the primary and secondary candidates, respectively, for this required alternative dispute resolution action. Since Mr. Young's office is located within a five minute walk of Churchill Park's (incorporated 31 July 2003) Principal Business Office located at Regus's office on Main St., Columbia, he is a previous judge and I do not believe this mediation process will take very long, hopefully Mr. Young will be able to accommodate us in this unique and long overdue opportunity to discuss all of these issues and determine if there is any possibility of us finally bringing this ongoing fraud conspiracy to a proper conclusion.

With adequate notice, I can make myself available for a few hours most days during the last two weeks of this month.

Best regards,

Alan Nix

cc.

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

Jeff Young
SC Attorney General's Office
1000 Assembly St.
Columbia, SC 29201

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

Exhibit

H

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
ALAN NIX)
Plaintiff,)
vs.)
)
CHURCHILL PARK (00108547) AND CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC. (00025502))
Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2020_-CP-40_06054

MOTION AND ORDER INFORMATION FORM AND COVERSHEET

Plaintiff's Attorney:	Defendant's Attorney:
Alan Nix (pro se) , Bar No. _____	Stephanie Trotter , Bar No. _____
Address:	Address:
1401 Densmore Circle, Mt. Pleasant, SC 29466	4500 Fort Jackson Blvd., Columbia, SC 29209
Phone: 843.991.4170Fax _____	Phone: 843.996.6777 Fax_____
E-mail: _____Other: _____	E-mail: _____Other: _____

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: motion to set aside order dated 3 Jan 2023, immedidate recusal, sanctions, disqualification of MTB, etc.

Estimated Time Needed: 40 mins Court Reporter Needed: ☒ **YES**/☐ **NO**

SECTION II: Motion/Order Type

☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☒ Plaintiff / ☐ Defendant — Date submitted: 19 JAN 2023

SECTION III: Motion Fee

☒ PAID – AMOUNT: $ 25.00 MONEY ORDER 22-017943681
☐ EXEMPT: (check reason)
- ☐ Rule to Show Cause in Child or Spousal Support
- ☐ Domestic Abuse or Abuse and Neglect
- ☐ Indigent Status ☐ State Agency v. Indigent Party
- ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
- ☐ Motion for Stay in Bankruptcy
- ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
- ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
  Name of Court Reporter: _____
- ☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.
☐ Other: _____

JUDGE CODE _____
Date: _____

CLERK'S VERIFICATION

Collected by:_____ Date Filed: _____
☐ MOTION FEE COLLECTED: $ _____
☐ CONTESTED – AMOUNT DUE: $ _____

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS THE FIFTH JUDICIAL CIRCUIT
ALAN G. NIX, Plaintiff, vs. "CHURCHILL PARK" AND CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC, Defendants.	)	CASE NUMBER: 2020-CP-40-06054 **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 19th day of January 2023, a copy of the motion to set aside, clarify, etc. order dated 3 Jan 2023, sanctions against McCabe Trotter, Mr. McFaddin and "Churchill Park", disqualification of McCabe, Trotter and Beverly, and the immediate recusal of Mr. McFaddin, etc. was served upon all parties and/or their respective counsel of record via USPS and/or hand delivery as follows:

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

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

Judge Newman
1701 Main St.
Columbia, SC 29201

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

George Thames
Wilson, Jones, Carter & Baxley
4922 O'hear Ave.
North Charleston, SC 29405

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

Amie Clifford
SC Commission on Prosecution Coordination
Committee Chair, SC BAR Ethics Advisory Cmte.
1200 Senate St., Ste. B03
Columbia, SC 29201

Morgan Bryant
c/o Johnnie Dodds Owners Association, Inc.
880 Johnnie Dodds Blvd.
Mount Pleasant, SC 29464

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

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

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

Jenny Abbott-Kitchiings
Clerk, Court of Appeals
1220 Senate St.
Columbia, SC 29201

Todd Musheff
c/o Pak Mail
1121 Park West Blvd., Ste B, PO Box 148
Mount Pleasant, SC 29466

George McFaddin
215 N. Harvin St.
Sumter, SC 29150

Adam Lambert
Acker, Lambert & Hinton
858 Pendleton St.
Pickens, SC 29671

Elizabeth Hutto
SC Dept of Mental Health
2414 Bull St.
Columbia, SC 29201

Melissa Kiddy, CPA, (Certified Fraud Examiner)
Veris CPA
1156 Bowman Rd. Ste. 100A
Mount Pleasant, SC 29464

Nicholas Uricchio
c/o Scarlet Wilson
101 Meeting St.
Charleston, SC 29201

Andy Countryman
321 Wingo Way
Mount Pleasant, SC 29464

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

Churchill Park Homeowners' Association, Inc.
(potentially also nka "Churchill Park?)
c/o Lee Janssen
1132 Willoughby Ln.
Mt. Pleasant, SC 29466

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

By: _____

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

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS THE FIFTH JUDICIAL CIRCUIT
ALAN NIX, Plaintiff, vs. "CHURCHILL PARK" (00108547) AND, CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC, Defendants.	)	CASE NUMBER: 2020-CP-40-06054 **MOTION TO SET ASIDE ORDER, RECUSE, SANCTIONS AGAINST MCABE TROTTER AND CHURCHILL PARK AND DISQUALIFY MCCABE TROTTER, ETC.**

PLEASE TAKE NOTICE, Alan Nix hereby submits this motion pursuant to Rule 59 and/or 60 of the SCRCP requesting the fourteen page order filed 3 January 2023 be set aside, mandatory recusal of Judge McFaddin for judicial misconduct and/or disability, for sanctions against McCabe, Trotter & Beverly, "Churchill Park" (SC Secretary of State Entity ID 00108547) and, depending on the response to this motion and motion filed 28 December 2022, Churchill Park Homeowners' Association, Inc. (SC Secretary of State Entity ID 00025502), disqualify McCabe, Trotter and Beverly as attorneys and commence disbarment proceedings and prosecution for perjury against Morgan Bryant and all other attorneys involved in the fraudulent affidavit of attorney fees related to this / these matters.

All filings in this case are included by reference and judicial notice of all filings in all cases referenced in these orders is appropriate and requested including but not limited to the transcripts of the proceedings.

Alan Nix attempted to file the motion contained in Exhibit 1 on the afternoon of 13 January 2022 and was told the the Richland County Clerk of Court could not file any motions for Plaintiff due to the fourteen page highlighted order which they produced in this case. Ms. Metts

stated she would be happy to file any motions from Plaintiff if the higher ups approved. When asked who the higher ups were, Ms. Metts responded Chief Justice Beatty. Apparently Ms. Metts was not aware of the other orders filed on 3 January 2023 and/or choose not to address that issue of perhaps Plaintiff did not use the magic words Rule 59. Regardless, this motion is being filed under Rule 59 and/or 60. That motion is included by reference with this motion.

1. The title of the subject order, especially when compared and contrasted with the order filed the same day in case 2020-CP-40-05255, seems to be intentionally deceiving given it states that "DEFENDANTS" motion to set aside default, motion to dismiss, and motion for sanctions are granted. The use of "DEFENDANTS" without identifying which DEFENDANT, and not using the appropriate apostrophe to indicate a single defendant, inappropriately implies that both DEFENDANTS, eg. "Churchill Park" and Churchill Park Homeowners' Association, Inc. filed such motions and such motions were granted to both entities. However, it is undisputed that Churchill Park Homeowners' Association, Inc. remains in default in this case and has never responded in any manner to the subject lawsuit. This apparent mistake by Mr. McFaddin also raises the substantial likelihood that he is sufficiently aware that Churchill Park Homeowners' Association, Inc. (Entity ID 00025502) has actually changed their name to "Churchill Park" at the same time Lee Janssen is listed as the Registered Agent for "Churchill Park" (Entity ID 00108547). It is undisputed that two entities with an identical name can not do business in the state at the same time. Given Plaintiff specifically requested by motion dated 28 December 2022 that McCabe Trotter be required to file affidavit(s) specifically identifying their client(s) as either Entity ID 00108547 and/or Entity ID 00025502, and Mr. McFaddin refused to order that based on a bogus claim that "*these motions are not proper SCRCP Rule 59(e) motions*", it seems more likely than not that Mr. McFaddin intentionally used "DEFENDANTS" rather than

"CHURCHILL PARK'S" for an intentionally deceptive and improper purpose, which appears to have been acted upon within the last week.

2. Rule 40(j) and "Active" docket vs. "General Docket". Mr. McFaddin includes in his and his associates foot note on page two (2) that "*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-10-04031 when it was restored to the active docket.*" As a judge who has served as a Chief Judge for Administrative Purposes more than once, it seems reasonable to believe that Mr. McFaddin is aware that (1) Rule 40(j) SCRCP states in part that "*Upon being restored, the case shall be placed on the General Docket and proceed from that date as provided in this rule.*" (2) that the "*active docket*" and the "*General Docket*" are not necessarily the same and definitely not the same when Rule 40(j) is involved and (3) is aware of the order(s) contained in Exhibit 4 of this motion and paragraph ten (10) in particular which states "*Cases stricken from the file book under Rule 40(j), SCRCP, may only be restored by the chief judge for administrative purposes in each circuit, or by the chief judge for administrative purposes for the court of common pleas in those circuits with two chief judges.*" Assuming we should take Mr. McFaddin at his word that "*This court received the proposed orders from Ms. Bryant as requested.*" and "*This court reviewed the orders and found them proper*", along with his numerous claims of "*review (ing) the judicial department's case management system*", it seems reasonable to believe that Mr. McFaddin has knowingly and willfully engaged in the same deceptive fraud upon the court that his associates McCabe Trotter and others have persistently engaged in since at least July 2017 when it was discovered that the transcript which supposedly proved that all parties agreed on the record (vice in writing as dictated by Rule 40(j)) to a Rule 40(j) dismissal on March 2016 was fraudulent. Likewise, it seems reasonable to believe that

that Mr. McFaddin would know that a Master in Equity is not eligible to be a Chief Judge for Administrative Purposes in any circuit, whether or not there are one or two chief judges.

3. Given the indisputable information contained directly above in paragraph two (2) related to Rule 40(j) and the orders contained in Exhibit 4 related to the duties of the chief judges for administrative purposes, it is indisputable that case number 2014-CP-10-05407 has never been legally properly restored given Mikell Scarborough was not a Chief Judge for Administrative Purposes and thus did not have jurisdiction based on the orders contained in Exhibit 5 to restore case 2014-CP-10-05407. Thus, any and all apparent rulings in case 2017-CP-10-04031 are VOID as a matter of law. According to numerous legal rulings, *including by the U.S. Supreme Court, "A void judgment is a nullity from the beginning, and is attended by none of the consequences of a valid judgment. It is entitled to no respect whatsoever because it does not affect, impair, or created legal rights" Ex parte Siedel, 39 S.W. 3d 221, 225(Tex. Crim. App. 2001, Ex. Parte Spaulding, 687 S.W. 2d at 745 Teague, J. concurring). "The law is very well-settled that a void order or judgment is void even before reversal"*, VALLEY v. NORTHERN FIRE & MARINE INS. CO. 254 U.S. 348, 41 S. Ct. 116 (1920) "*Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullitites; they are not voidable, but simply void, and this even prior to reversal,*" Williamson v. Berry, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850). It has also been held that "*It is not necessary to take any steps to have a void judgment reversed, vacated or set aside, it may be impeached in any action direct or collateral*" Holder v Scott, 396 S.W. 2d 906, (Tex. Civ. App. Texarkana, 1965, writ of ref., n.r.e.); "*A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void*

order can be challenged in any court", OLD WAYNE MUT. L. ASSOC. v McDONOUGH, 204 U.S. 8, 27 S. Ct., 236 (1907). *Judgement is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process*., Fed Rules Civ. Proc. Rule 60(b)(4), 28 U.S.C.A., U.S.C.A Const.. Hence, the numerous regurgitations of the statement that Scarborough ruled that "Churchill Park" (entity ID 00108547) was the successor in interest to Churchill Park Homeowners' Association, Inc was not true in September 2017, November 2017, nor at any other point in time. Plaintiff suggests this is the reason that MTB and their various apparently professional management companies continued operating Churchill Park Homeowners' Association, Inc. in secret as much as possible and why Janssen and associates are trying to deceptively and fraudulently rename Churchill Park Homeowners' Association, Inc to "Churchill Park" instead of simply relying on Scarborough, Musheff and Trotter's order from 9 November 2017.

4. Related to the above, and an even more egregious and intentional act, "Churchill Park" (Entity ID 00108547) and/or Churchill Park Homeowners' Association, Inc. (Entity ID 00025502) and McCabe Trotter willfully and knowingly did not comply with Chief Justice Donald Beatty's Order dated 6 May 2020 and entitled "*RE: Certification of Compliance with the Coronavirus Aid.*" Given Mr. McFaddin states he reviewed the judicial department's case management system, it seems almost inconceivable that Mr. McFaddin didn't notice the obvious absence of the required 6 May 2020 Certificate of Compliance being filed on or before 20 August 2020. The order, which is attached as Exhibit 6, is quite explicit and states "*IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall not hold a foreclosure sale, or issue a judgement of foreclosure, writ of assistance, or writ of ejectment in a foreclosure action until the party pursuing the foreclosure has complied with the provisions of this Order.*"

It is undisputed that "Churchill Park" (entity ID 00108547) nor Churchill Park Homeowners' Association, Inc. nor McCabe, Trotter ever filed the required Certificate of Compliance in case 2017-CP-10-04031 or 2014-CP-10-05407 on or before 20 August 2020 despite having done so prior to 20 August 2020 in other cases. Consequently, even if someone would like to unwisely argue again that Scarborough somehow had the authority of the chief judge for administrative purpose to restore a case dismissed via Rule 40(j), there is no nonfrivolous argument that everything Scarborough did on or after 20 August 2020 is VOID as a matter of law. (See same case law examples related to void orders which are noted in paragraph three of this motion) This issue was noted on the record during the motion hearing of 2 November 2022. Thus, Mr. McFaddin cannot legitimately claim that he was not sufficiently aware of the issue when he was apparently reviewing the judicial department's case management system.

5. On page two (2) of Mr. McFaddin's order, he deceivingly states that "*Nix, proceeding largely pro se, fought the foreclosure* .....). This misrepresentation seems intentional and meant for the improper purpose of concealing the malpractice of, or at some point almost certainly the intentional misconduct of, Sally Newman, now deceased, and Sarah Schreiber of Charleston Legal Access who represents the Estate of Norma J. Nix. The order of 21 August 2020 where Scarborough signed an order relieving Sarah Schreiber of representing the Estate of Norma J. Nix is obviously void as a matter of law, which Ms. Schreiber, Ms. Trotter and Scarborough almost certainly knew was the case at the time of their coordinated misconduct in attempting to protect her and Charleston Legal Access.

6. Likewise, all of the other references in Mr. McFaddin's order which reference orders and actions of Scarborough on or after 20 August 2020 are inappropriate given they are void as a matter of law. Several clear instances of this inappropriate inclusion are found on page two (2)

where he states that "*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.*" All of this was done without jurisdiction and in direct violation of Chief Justice Beatty's 6 May 2020 Order related to Coronavirus Certification of Compliance. Two of the more egregious examples where language of void orders of Scarborough are inappropriately republished in this order and which must be removed are found on page eleven (11) and twelve (12); where Mr. McFaddin apparently copies a diatribe from Scarborough and Trotter from 20 / 21 August 2020 on the top of page twelve and inappropriately states at the bottom of page eleven that "*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:*" Given the order and actions of Scarborough on and/or after 20 August 2020 are indisputably void as a matter of law, republishing them is both inappropriate as well as ethically and legally highly questionable.

7. In the two page order dated 3 January 2023, Mr. McFaddin state he "*issued a ruling memorandum on 11 November 2022*" and then goes on to include what appears to be a partial quote from his inappropriate ex parte communication which state that "*....any objections to these rulings must be made by way of a timely filed and* proerly (not properly) served SCRCP 59(e) motion." Plaintiff never received any "ruling memorandum" and finds it highly curious that Mr. McFaddin chose not to include a copy of his apparent "*ruling memorandum*" with his one page order which references it. Plaintiff also finds it highly curious, and more than slightly disturbing, that Mr. McFaddin chose not to include an option to file any SCRCP Rule 60 motions, especially considering the number and significance of the currently known instances of fraud upon the court by Ms. Bryant, MTB, "Churchill Park" and Mr. McFaddin himself.

8. Mr. McFaddin seems to be signaling in the last sentence of the last paragraph of his one page order that he is not going to hold a hearing to address SCRCP 59(e) motions, which is quite unsurprising given the current issues he has created for himself and his employer. However, now that Plaintiff has a copy of the still unfiled "Defendant's Affidavit of Attorneys' Fees" which was sworn to under penalty of perjury on or about 21 December 2022, Plaintiff points out that Ms. Bryant and Ms. Trotter state that they are submitting "*this Affidavit pursuant to Rule 55(b)(3) of the South Carolina Rules of Civil Procedure.*" Rule 55(b)(3), potentially ironically, relates to attorney fees associated with judgement by default and states, in part, that "*If a party seeks to recover attorneys fees in connection with a default judgment, a hearing pursuant to subdivision (b)(2)of this rule shall be required unless (i) the party seeking attorneys fees specifies in the motion for default judgement that such a motion includes a request that the court award attorneys fees and also files and affidavit of attorneys fees;*" Plaintiff, without at this point in time wishing to address the other obvious issues with this statement, states unequivocally that it is indisputable that no affidavit of attorneys fees has been filed in this case. Thus, Mr. McFaddin did not have jurisdiction to award attorney fees and must have / should have already scheduled the required hearing pursuant to subdivision (b)(2) of Rule 55. Plaintiff requires this hearing be in person so that Ms. Trotter and Ms. Bryant can be sworn in and testify under oath to their "Affidavit of Attorneys' Fees". (Other issues related to this Affidavit of Attorney Fees will be addressed separately in this motion).

9. In numerous places in this order it is stated that case number 2019-CP-10-00067 is "*still pending*". Mr. McFaddin also states in his companion order that he had "*reviewed the orders and found them proper*" as well as in this order that he had "*review(ed) ..the judicial department's case management system*". Plaintiff finds these statements / combination of

statements at best quite concerning and at worst, intentional and blatant untruths, given even a brief "*review of the judicial department's case management system*" indicates case 2019-CP-10-00067 is listed as being "DISPOSED" vice "PENDING". This will be further addressed later in this motion related to whether Mr. McFaddin is "*corrupt or incompetent*" or potentially both corrupt and incompetent. See last sentence of first paragraph on page thirteen (13), "*When a court rejects his frivolous claims he accuses the judges of being corrupt or incompetent.*".

10. "Another Action is Pending" / Dismissal under Rule 12(b)(8). Mr. McFaddin's willful and knowing inaccurate claim that case 2019-CP-10-00067 is still pending has already been addressed above. This brings us to whether or not 2020-CP-40-05255 can legally be classified as "*precisely or substantially the same in both proceedings*" for dismissal under Rule 12(b)(8), SCRCP to be appropriate. Most curiously and in direct contradiction to Mr. Robert Wood, Ms. Trotter, Judge Newman, Andy Countryman and Ms. Abbott-Kitchings actions and orders between early February 2022 and present, now Mr. McFaddin, Ms. Trotter and Ms. Bryant allege Alan Nix is a plaintiff in case 2020-CP-40-05255 and this case. Ms. Jenny Abbott-Kitchings dismissed SC Court of Appeals case number 2022-001155 in August 2022 stating that Alan Nix was not a plaintiff in that case and that consequently, he would be committing the heinous crime of the unauthorized practice of law if she let that appeal go forward. Judge Newman filed an order in July 2022 which doesn't have Alan Nix listed as plaintiff. Ms. Trotter and Mr. Countryman showed up at an improper hearing with Judge Newman on 10 February 2022 and argued, apparently successfully, that Alan Nix is not a plaintiff in case 2020-CP-40-05255. Now, Ms. Trotter, Ms. Bryant and Mr. McFaddin argue the exact opposite, and in the case of Ms. Trotter and Ms. Bryant, the exact opposite of what their legal malpractice attorneys Mr. Wood and Ms. Countryman have argued and wrote for almost a year and a half at this point.

All of these parties can not have it both ways. Either Alan Nix is or is not a Plaintiff in case 2020-CP-40-05255 and/or appeal 2022-001155 or he isn't. At least for the moment, from a purely legal perspective, it seems almost indisputable that Alan Nix is NOT a Plaintiff in case 2020-CP-40-05255 and appeal 2022-001155 because Judge Newman's order from July 2022 is still controlling at the circuit court level and from all known appearances, Ms. Abbott-Kitchings apparent order from August 2022 in appeal 2022-001155 still states that Alan Nix is not a Plaintiff / Appellant in that appeal. Consequently, the allegations in this order and the 3 January 2023 order in case 2020-CP-40-05255 that Alan Nix is a Plaintiff in this case seems at best seriously frivolous and at worst, highly unethical and part of a coordinated scheme. Mr. McFadden cannot reasonably suggest he was not aware of this issue because the issues with appeal 2022-001155 and whether or not Alan Nix was a plaintiff in case 2020-CP-40-05255 and appeal 2022-001155 was the majority of what was addressed during the approximately twenty (20) minute hearing on 3 November 2022. This issue of whether or not Alan Nix was a party to case 2020-CP-40-05255 and whether or not he could legally participate in the motion hearing of 3 November 2022 was clearly stated and was the basis for the motion to continue. (so that appeal 2022-001155 could be finalized). Now Mr. McFaddin and his associates want to dismiss Mr. Wood, Judge Newman's, Ms. Trotter's and Mr. Countryman's arguments and conveniently and self servingly state as fact the exact. This is the very definition of frivolous and another example of fraud upon the court by these parties. Until the Rule 59 motion in case 2020-CP-40-05255 from 3 March 2022 is scheduled and heard and/or appeal 2022-01155 is restored and appropriately dealt with, it is indisputable that, legally speaking, Alan Nix is not a Plaintiff in case 2020-CP-40-05255 nor an appellant in appeal 2022-001155 and thus there are not cases pending that have the exact same parties and/or claims. This is one of the key issues which

Plaintiff in this case is requesting significant monetary and other sanctions against the "DEFENDANTS". McCabe, Trotter, etc.

11. Set Aside Entry of Default – Restricted Delivery fallacy related to Registered Agents listed only as Corporations. Mr. McFaddin, Ms. Trotter and Ms. Bryant, despite a clear explanation of the issue and provision of the USPS Rule on the matter, somehow seem to allege that Rule 4(d)(8) imposes requirements on the U.S. Postal Service that is in direct violation of it's policy S916, which was cited and discussed at length during the hearing of 2 November 2022. USPS policy S916 is very clear. Under paragraph 1.0, BASIC INFORMATION, 1.1, DESCRIPTION, states that "*Restricted delivery service permits a mailer to direct delivery only to the addressee or addressee's authorized agent. The addressee must be an individual (or natural person) specified by name.* In this instant, as in all similar instances, an individual (or natural person) does not include a corporation / corporate name. On 13 March 2021, when Plaintiff mailed the Complaint and Summons for this case to "Churchill Park", the Registered Agent for "Churchill Park" was listed with the S.C. Secretary of State as "*Agent – Cedar Management Group*", "*Address – 1320 Main St., Columbia, SC 29201*". Now, Trotter, McFaddin and Bryant seem to argue, while intentionally ignoring this well documented and explained U.S.P.S policy, that somehow Rule 4(d)(8) dictates a requirement on the U.S. Postal Service that is in direct violation of the USPS's own rational policy. Plaintiff was not aware that the U.S. Post Office employee signed the Return Receipt under U.S. Postal Service Coronavirus guidance until shortly after the 2 November 2022 hearing but curiously, these parties willfully chose to ignore these issues and arguments and once again, engage in a purely frivolous statement. Additionally, given the S.C Attorney General's ability to investigate and prosecute cases of Unfair Trade Practices, Plaintiff mailed a copy of this complaint and Summons to the

S.C. Attorney General at the same time as "Churchill Park" and Churchill Park Homeowners' Association, Inc. USPS tracking number 9505511920261072406032 was delivered to the S.C. Attorney General's office at 1327 on 15 March 2021 and, assuming he performed his duties as dictated by South Carolina law, it seems reasonable to believe that he or one of his employees would have performed their duties and contacted Cedar Management Group and / or "Churchill Park" and/or McCabe Trotter and/or Churchill Park Homeowners' Association, Inc. and/or InCorp Services, Inc. (Registered Agent for Churchill Park Homeowners' Association, Inc.) related to this matter. Additionally, the Clerk of Court for Richland County was required to notify Mr. Alan Wilson / The S.C. Attorney General of the filing of an Unfair Trade Practices Act complaint. Thus, as long as everyone did their job as required, it seems almost impossible to believe that both "Churchill Park" and Churchill Park Homeowners' Association, Inc were not both notified of this complaint and summons no later than late Spring 2021 given Regus, agent for Cedar Management Group, who is agent for both Churchill Park Homeowners' Association, Inc. and "Churchill Park" received notice and surely Ms. McBride and Mr. Alan Wilson notified these parties as part of their required responsibilities. It is indisputable that service of process on a corporation's registered agent is binding on the corporation and there is no evidence to suggest that service of process was not achieved on both "Churchill Park" and Churchill Park Homeowners' Association, Inc. via Cedar Management Group and its Agent, Regus.

12. Venue – Mr. McFaddin, Ms. Bryant, and Ms. Trotter argue that this case should be dismissed due to filing in the wrong county but do not explain why Rule 82, SCRCP doesn't dictate moving the case to the correct venue and/or why the rulings and arguments in S.C Supreme Court case 26168, Jeter v. SCDOT don't apply. See Exhibits 7 and 8.

13. While potentially not required and redundant, Plaintiff will briefly address the illogical argument that Rule 12(b)(8) should be construed to mean that all claims with the same parties and the same exact claim which are apparently pending means dismiss all such claims. Assuming that the other illogicalness / untrue statements already addressed related to cases 20190-CP-10-00067 and 2020-CP-40-05255 were not obvious issues, the parties (McFaddin, Trotter and Bryant) seem to allege that this case should be dismissed as well as the other two cases. It seems inconceivable that such a rule could be construed to operate in that manner or be intended to be used in such a manner.

14. Improper to allow Bryant / Trotter / MTB to represent "Churchill Park" or anyone else until after 3 March 2022 motion in case 2020-CP-40-05255 heard and decided. A motion was filed on 3 March 2022 in case 2020-CP-40-05255 which, among other things, raised the distinct specter of misconduct by Trotter, Countryman and others related to the hearing of 10 February 2022 in that case as well as sought the disqualification of McCabe, Trotter & Beverly from the case related to representing "Churchill Park" or anyone else involved on these matters. Given it is indisputable that proper notice was not given for the 10 February 2022 hearing in case 2020-CP-40-05255 and that there was not a motion roster for that day for Judge Newman, the dismissal of the Law Office of Todd Musheff and McCabe, Trotter & Beverly from action 2020-CP-40-05255 were clearly unlawful. The issues with this matter have only been compounded by the fact that a still undetermined person closed the 3 March 2022 motion for reconsideration, disqualification, etc. rather than properly setting it for a hearing. This intentional action can only be construed to be willful, knowing and meant for improper purposes. Plaintiff assumes, as it seems almost certainly is the case, that some of the redacted entries in the "Affidavit of Attorney Fees" are redacted to conceal these associates conduct and the corresponding improper ex parte

communications related to the same. Regardless, until that motion is heard and properly decided, McCabe Trotter, Trotter, Bryant, etc. can not legitimately represent other parties involved in the same litigation they are involved in, especially given their obvious pecuniary interest in the outcomes of these cases, as is described in detail elsewhere in this motion.

15. In Ms. Bryant's Affidavit of Attorney Fees, in paragraph six (6), Ms. Bryant states in part that *"....and for the beneficial results achieved in obtaining a judgment against Defendant for compliance with the Declaration."* Please provide a proper clarification of this statement based upon your review of the orders which you apparently found "proper"

16. In Ms. Bryant's Affidavit of Attorney Fees, in paragraph seven (7), the "Affiant" (eg. Ms. Bryant) asked the Court to "*review the file herein*". Please clarify the file you reviewed and the specific parts of the file which you found most compelling in proper to "*order the Plaintiff to pay legal fees incurred by "Churchill Park*"".

17. Please clarify why you (Mr. McFaddin) did not file a copy of Ms. Bryant's and Ms. Trotter's "Affidavit of Attorney Fees" when they willfully did not do so on their own.

18. Please clarify if you did or did not review an unredacted Affidavit of Attorney Fees "in camera". If you did, please report on your findings and if those findings were involved in your decision to not file the Affidavit of Attorney Fees. If you did not review an unredacted Affidavit of Attorney Fees, please explain your rational for not doing so, especially given the obvious perjury, illegal time charging and other misconduct readily apparent from the redacted Affidavit of Attorney Fees.

19. Given the redacted Affidavit of Attorney Fees clearly has Trotter's initials on more than a few time entries, please explain why you didn't require Trotter to also file an Affidavit of Attorney Fees.

20. Please explain if you inquired at all about why the address for "Churchill Park" and "Lee Janssen" is redacted. This seems to be both material and far from being able to claimed as privileged or something similar. Given the overall situation, did this curious redaction not raise your suspicions that something highly improper was occurring between McCabe Trotter and "Churchill Park" and Lee Janssen, etc.?

21. On 2 February 2022, there is a time entry for $27.50 by Trotter for an email to Kevin Mims asking about the status of motion to dismiss in case 2019-CP-10-00067. Since you obviously reviewed all of this as you stated in your companion order, did you speak with Kevin Mims about what he told Trotter about the status of motion to dismiss or determine if he responded to Trotter's email requesting this information.....which she could have easily determined on her own.....

22. Please clarify the details about your and McCabe Trotter's improper ex parte communications related to the time entry on 24 October 2022 which involves correction of the pending motion to continue and request to consolidate motions to one hearing date and time. Please clarify what actions you took related to this improper ex parte communication as well as why you willfully concealed this improper ex parte communication on the morning of 2 November 2022 when a discussion about why motions for case 2020-CP-40-05255 was now on the 2 Nov 2022 docket rather than the 3 Nov 2022 docket. (Feel free to refer to copy of transcript filed with Richland County Clerk of Court on 28 December 2022.

23. Please clarify why you have not taken any action against Ms. Bryant for lying to the tribunal on the morning of 2 November 2022 related to the motion to continue filed on 28 October 2022. She clearly knew about it because she charged $70.00 to this case to review said

motion to continue and then improperly charged another $70.00 to case 2020-CP-40-05255 for the same review despite the motion to continue only related to this case.

24. On 2 November 2022 Bryant charged $175.00 to this case to "*Review hand delivered exhibits (150 pages*) and then apparently charged another $175.00 to case 2020-CP-40-05255 for the same review despite the "*hand delivered exhibits* only applied to this case. Can you explain what, if any, actions you took related to this obvious improper time charging and why you thought it was appropriate to approve it despite the fact you, Ms. Bryant and Ms. Trotter completely ignored all the exhibits when coming up with this frivolous order?

25. On 30 November 2022, Ms. Bryant charged $70.00 to this case and then $70.00 to case 2020-CP-40-05255 to "*Review correspondence from Nix; review affidavit from postal worker; confirm that Nix filed in bother matters (1/2*). It is indisputable that the subject affidavit, which a copy of is included again with this motion, only listed this case number on the affidavit and was only filed with this case. Can you explain what, if anything, you did about this overt time charging fraud and why you thought you should grant this time charging when you, Ms. Bryant and Ms. Trotter completely and utterly disregarded said affidavit in this order?

26. You stated in your companion order that "*this court issued a ruling memorandum on 11 November 2022.*". However, on invoice number 115863 which has time charging entries through 30 November 2022 and states it is as of 13 December 2022, there is no mention of such "*ruling memorandum*". Can you explain how your "*ruling memorandum*" was sent to MTB and what, if anything, you did when no prompt response was provided related to the same. Also, please file a copy of your "*ruling memorandum*" as has been previously requested as well as explain why you chose not to file it on or about 11 November 2022.

27. There is an entry on 6 December 2022 for $70.00, which is also apparently billed to case number 2020-CP-40-05255 for the same amount, which reads "*review correspondence from Judge McFaddin; update filed and tasks*." Can you please provide a copy of this improper ex parte communications and as well as why you thought such improper ex parte communications was apparently proper in this / these circumstance(s)

28. There appears to be a significant amount of time charged to these cases doing legal research on your behalf, writing orders on your behalf, etc. Please clarify at what point in time Bryant, Trotter, MTB, etc. essentially became employees of yours / The South Carolina Judicial System and why you thought at that point they were still able to ethically / legally participate as attorneys in these matters. Given their new employment status, why do you think the Plaintiff should pay them for this time vice the South Carolina Judicial System?

29. Fraud upon the court by Ms. Bryant. / Misconduct and/or disability by Mr. McFaddin. Ms. Bryant stated on the record on the morning of 2 November 2022 that she was unaware of Plaintiff's motion for a continuance in case 2020-CP-40-06054. See page eleven of the transcript for 2 November 2022. Ms. Bryant reiterated her lack of knowledge of a motion by plaintiff for a continuance when Mr. McFaddin asked her on the record if she knew about the motion. However, after reviewing the time entries of Ms. Bryant for 31 October 2022, she charged time for "*Review of additional hand delivered correspondence from Nix and propose motions to continue (1/2)*." Consequently, unless Ms. Bryant wishes for all reasonable and unconflicted persons to believe that she suddenly forgot charging at least forty minutes to review the proposed motions to continue less than two days later, Ms. Bryant lied under oath and penalty of perjury, as well as to the tribunal, not to mention there was only one motion for a continuance filed and that was in this case, not 2020-CP-40-05255. For this knowing and willful

misconduct by Ms. Bryant, you apparently felt it was "proper" to award Ms. Bryant and her associates with at least $140.00 of attorney fees. Can you please explain your logic in this matter.

30. Clarify why you thought it was wise to hire someone to do work for you after you knew they had lied multiple time to the tribunal during motions hearings and committed time card fraud and perjury in two different Affidavit of Attorney Fees.

31. Please clarify if your misconduct in this / these matters is because:

a. you are incompetent

b. you are disabled due to mental health issues or substance abuse issues like Judge Murphy's husband.

c. corrupt

d. all of the above.

Ms. Bryant's, Ms. Trotter's and McCabe Trotter's misconduct in this matter has clearly violated the ethical rules attorneys are required to follow and almost certainly rises to the level of criminal conduct in some instances. Mr. McFaddin's conduct in this matter has clearly violated the rules of professional conduct and potentially rises to the level of criminal conduct in some instances. By all appearances, even with a large amount of the time charging in this matter redacted, there has been an ongoing pattern of coordinated misconduct by these parties. It is becoming indisputable that the SC BAR Association and the SC Judicial System are not capable of self governance and must have appropriate oversight from competent and unconflicted parties to ensure such conduct does not continue to endanger the ordinary citizens of South Carolina. It is also undisputed that if these parties were capable of self governance and holding each other accountable to the rules of professional conduct, basic ethics concepts and the law, Alan Nix

would have never been required to engage in this much litigation at great personal cost to himself and his family because the matter would have been resolved in favor of Alan and Norma Nix no later than April 2015 in case 2014-CP-05407.

A memorandum in support of these motions will be filed prior to the motion hearing.

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

1. File an order recusing himself (George McFaddin) from all related matters immediately.
2. File an order disqualifying McCabe, Trotter and Beverly from this matter and all related matters.
3. File an order requiring McCabe, Trotter and Beverly to file unredacted versions of the included Affidavit of Attorney Fees.
4. Award Plaintiffs sanctions in the amount of three times the amount of sanctions McCabe Trotter & Beverly requested.
5. Report all misconduct in these matters to the Office of Disciplinary Counsel and appropriate law enforcement.
6. File an order requiring MTB to file the previously requested affidavit identifying with specificity their client(s).
7. Schedule sanctions hearings and, if necessary, a recusal hearing, no later than 6 February 2023. Obviously this / these hearings should not be before Mr. McFaddin.
8. Schedule motion hearing for all outstanding motions in this case and case 2020-CP-40-05255 (7 Feb 2022 and 3 March 2022 motions)
9. Restore this case to status of pending ADR for at least Defendant Churchill Park Homeowners' Association, Inc.

10. File copies of all previously undisclosed ex parte communications.

11. Set aside the 3 January 2023 orders immediately.

12. Toll the statute of limitations on all claims which are impeded by these frivolous orders until they are properly resolved.

13. any other and further relief the Court finds Proper, Prudent and Just.

January 19, 2023

Respectfully submitted,

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
843.991.4170

Ex. 1

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS THE FIFTH JUDICIAL CIRCUIT
ALAN G. NIX, Plaintiff, vs. "CHURCHILL PARK" AND CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC, Defendants.	)	CASE NUMBER: 2020-CP-40-06054 **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 13th day of January 2023, a copy of the motion to recuse McFaddin, sanctions against MTB and "Churchill Park", disqualification of McCabe, Trotter and Beverly, etc. was upon all parties and/or their respective counsel of record via USPS, fax and/or hand delivery as follows:

Churchill Park Homeowners' Association, Inc.
(potentially also nka Churchill Park?)
c/o Lee Janssen
1132 Willoughby Ln.
Mt. Pleasant, SC 29466

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

Elizabeth Hutto, General Counsel
SC Department of Mental Health
2414 Bull St.
Columbia, SC 29201

Adam Lambert
Acker, Lambert & Hinton
859 Pendleton St.
Pickens, SC 29671

Law Offices of Todd Musheff
Attn: Andy Countryman
321 Wingo Way
Mount Pleasant, SC 29464

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

Nicholas Uricchio
c/o Charleston County Solicitor
101 Meeting St.
Charleston, SC 29201

George McFaddin
215 N. Harvin St.
Sumter, SC 29150

HAD A LATE NIGHT
SHE WOULD
GUILT ACCUSE
IF GIVEN
PERMISSION
FRONT & BACK
HIGH LIGHTS
HIGH CLUPS
VIRGINIA
BEACH
MS.
MEETS
1557
12

By: _____

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

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	CASE NO.: 2020-CP-40-06054
	)	
ALAN NIX	)	**MOTION AND ORDER INFORMATION**
Plaintiff,	)	**FORM AND COVERSHEET**
vs.	)	
	)	
CHURCHILL PARK (00108547) AND CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC. (00025502)	)	
Defendant.	)	

Plaintiff's Attorney:	Defendant's Attorney:
Alan Nix (pro se) , Bar No. _____	Stephanie Trotter , Bar No. _____
Address:	Address:
1401 Densmore Circle, Mt. Pleasant, SC 29466	4500 Fort Jackson Blvd., Columbia, SC 29209
Phone: 843.991.4170Fax _____	Phone: 843.996.6777 Fax_____
E-mail: _____Other: _____	E-mail: _____Other: _____

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: motion to recuse, sanctions, disqualification of MTB, etc.
Estimated Time Needed: 10 mins Court Reporter Needed: ☒ **YES**/☐ **NO**

SECTION II: Motion/Order Type

☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☒ Plaintiff /☐ Defendant — 13 Jan 2023 Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $ 25.00 MONEY ORDER 22-0979436 81
☐ EXEMPT: (check reason)
- ☐ Rule to Show Cause in Child or Spousal Support
- ☐ Domestic Abuse or Abuse and Neglect
- ☐ Indigent Status ☐ State Agency v. Indigent Party
- ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
- ☐ Motion for Stay in Bankruptcy
- ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
- ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: _____
- ☐ Other: _____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order.	JUDGE CODE _____
☐ Other:	Date: _____

CLERK'S VERIFICATION

Collected by:_____ Date Filed: _____
☐ MOTION FEE COLLECTED: $ _____
☐ CONTESTED – AMOUNT DUE: $ _____

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS THE FIFTH JUDICIAL CIRCUIT
ALAN G. NIX Plaintiff, vs. CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC AND "CHURCHILL PARK" Defendants.	)	CASE NUMBER: 2020-CP-40-06054 **MOTION TO RECUSE MCFADDIN, SANCTIONS AGAINST MTB AND CHURCHILL PARK, DISQUALIFY MCCABE TROTTER, ETC.**

PLEASE TAKE NOTICE, Alan Nix hereby submits this motion requesting Judge McFaddin to voluntarily recuse himself no later than close of business on 23 Jan 2023, for sanctions against McCabe, Trotter & Beverly and "Churchill Park" (incorp. 31 July 2003), disqualify McCabe, Trotter and Beverly as attorneys and commence disbarment proceedings and prosecution for perjury against Morgan Bryant and all other attorneys involved in the fraudulent affidavit of attorney fees related to this / these matters.

All filings in this case are included by reference.

Two affidavit of attorney fees are included as exhibits with this motion. Both are notarized on 21 Dec 2022 and both contain material misrepresentations which it appears, though in some cases he was a firsthand witness to the underlying facts, Mr. McFaddin thought was proper.

Proper, as defined the Free Dictionary by Farlex, is "*fit; correct; reasonably sufficient. That which is well adapted or appropriate. Proper care is the degree of care a reasonable, prudent person would use under similar circumstances*". Judge McFaddin suggests in his order of 3 January 2023, which Plaintiff has still not received written notice of enter of, that he had

reviewed Ms. Bryant's and Ms. Trotter's proposed orders, and one would assume also their affidavits of attorney fees, and thought they were "*proper*".

The letter attached and dated 9 January 2023 was sent seeking Mr. McFaddin to voluntarily withdraw his orders / filings of 3 Jan 2023 by the morning of 13 January 2023. It does not appear Mr. McFaddin chose to take the Plaintiff's offer of safe harbor or any other actions to prevent this motion.

In initial support of Plaintiffs motion for Mr. McFaddin's recusal and the other relief sought, Plaintiff takes this opportunity to point out some of the more egregious misconduct by Mr. McFaddin and his associates related to the attorney fees. A more comprehensive memorandum in support will be filed prior to the hearing on these motions.

Ms. Bryant testified, under oath and penalty of perjury, that she spent two (2) hours on 3 November 2022 at a motion hearing. The reality is that the motion hearing lasted less than twenty minutes (roughly 0952 to 1007) and Mr. McFaddin was a first hand witness to this misconduct and the facts of the amount of time related to the motion hearing. Even if Mr. McFaddin would like to say he was confused, Plaintiffs believes Mr. McFaddin was not even on the conference call for two hours for all motions on the docket that morning. This amounts to a conspiracy between Mr. McFaddin, Ms. Bryant and their other associates to defraud the Plaintiffs out of at least $630.00.

Ms. Bryant stated on the record on the morning of 2 November 2022 that she was unaware of Plaintiff's motion for a continuance in case 2020-CP-40-06054. See page eleven of the transcript for 2 November 2022. Ms. Bryant reiterated her lack of knowledge of a motion by plaintiff for a continuance when Mr. McFaddin asked her on the record if she knew about the motion. However, after reviewing the time entries of Ms. Bryant for 31 October 2022, she

charged time for "*Review of additional hand delivered correspondence from Nix and propose motions to continue (1/2)*." Consequently, unless Ms. Bryant wishes for all reasonable and unconflicted persons to believe that she suddenly forgot charging at least forty minutes to review the proposed motions to continue less than two days later, Ms. Bryant lied under oath and penalty of perjury, as well as to the tribunal, not to mention there was only one motion for a continuance filed and that was in case 2020-CP-40-06054, not 2020-CP-40-05255. For this misconduct, Mr. McFaddin apparently felt it was proper to award Ms. Bryant and her associates with at least $140.00 of attorney fees.

Mr. McFaddin made comments during the motion hearing on 2 November 2022 that alluded to his lack of knowledge that the motions docket for 2 and 3 November 2022 had been altered. However, based on time entries of 24 October 2022, there was obviously ex parte communications between MTB and McFaddin about this alteration. Mr. McFaddin was untruthful about this situation during the motion hearing and Ms. Bryant did not correct him.

This is not the only ex parte communications that Mr. McFaddin had with MTB. Based on recently disclosed information, Mr. McFaddin suggests he "*issued a ruling memorandum on 11 November 2022.*" Plaintiff did not receive this "*ruling memorandum*", this "*ruling memorandum*" was not filed with the clerk of court and conspicuously, even when the disclosure of the existence of this "*ruling memorandum*" was made public, Mr. McFaddin chose not to make his apparent "*ruling memorandum*" public.

Mr. McFaddin took these actions even after being on legal notice that at least two motions filed in February and March 2022 had not been heard and both had the ability to affect whether or not McCabe Trotter and Beverly had been properly dismissed from case 2020-CP-40-05255, which would directly affect whether Ms. Bryant and/or Ms. Trotter could represent

"Churchill Park", Churchill Park Homeowners' Association, Inc. and / or anyone else involved in the litigation.

Mr. McFaddin apparently thought it was proper to allow Ms. Bryant to charge $525.00 to case 2020-CP-40-05255 for her "*research case law elements of prejudgment attachment to oppose motion*" despite the fact that the motion in question was for case 2020-CP-40-06054.

Mr. McFaddin apparently thought it was proper to allow Ms. Bryant to charge $70.00 to case 2020-CP-40-05255 for "*Review of correspondence from Nix; review of affidavit of postal worker; confirm that Nix filed in both matters*" despite the fact the subject affidavit applied only to case 2020-CP-40-06054.

Once again, this is just a sampling of the obvious misconduct by "Churchill Park", MTB, Stephanie Trotter, Morgan Bryant, George McFaddin and other of their associates.

What is clear from even a brief review of the subject Affidavit of Attorneys' Fees in these two cases is that there is a pattern of improper ex parte communications, a pattern of improper time charging, for which Mr. McFaddin apparently thought was "*proper*" even after stating that he had reviewed such, and a clear case of perjury under oath and fraud by Ms. Bryant, which Mr. McFaddin not only has done nothing about but has actively participated in, supported and attempted to conceal.

For all of the reasons laid out above, as well as other issues which can clearly be derived by even a cursory review of the transcripts from 2 and 3 November 2022 in comparison with these "*Affidavits of Attorneys' Fees*", Mr. McFaddin should have already recused himself and / or taken the actions required of him as a judge and attorney to report this misconduct to the Office of Disciplinary Counsel and law enforcement. However, instead of taking these required actions, Mr. McFaddin chose to do the exact opposite and engage in the misconduct with these

parties. Mr. McFaddin can not remotely and legitimately claim he is unbiased and competent. His own misconduct which is already documented makes any such claim impossible. The likelihood that more misconduct by these parties will be uncovered once the unredacted Affidavits of Attorney Fees are filed seems to be substantial.

Ms. Bryant's, Ms. Trotter's and McCabe Trotter's misconduct in this matter has clearly violated the ethical rules attorneys are required to follow and almost certainly rises to the level of criminal conduct in some instances.

For all of these reasons Plaintiff requests Mr. McFaddin to voluntarily recuse himself from all these matters no later than close of business 23 Jan 2023, rescind his orders, and take all other actions which he should have already taken related to the misconduct by McCabe, Trotter and Beverly in these cases, including but not limited to disqualifying McCabe Trotter from these cases. In the absence of Mr. McFaddin voluntarily recusing himself by close of business 23 January 2023, Plaintiff requests a motion hearing be scheduled no later than 6 February 2023 to deal with these matters as well as the previously filed motions in case 2020-CP-40-05255 from February and March 2022. A memorandum in support of these motions will be filed prior to a motion hearing.

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

1. File an order recusing himself (George McFaddin) from all related matters.
2. File an order disqualifying McCabe, Trotter and Beverly from this matter and all related matters.
3. File an order requiring McCabe, Trotter and Beverly to file unredacted versions of the included Affidavit of Attorney Fees.

4. Award Plaintiffs sanction in the amount of three times the amount of sanctions McCabe Trotter & Beverly requested.
5. Report all misconduct in these matters to the Office of Disciplinary Counsel and appropriate law enforcement.
6. File an order requiring MTB to file the previously requested affidavit identifying with specificity their client(s).
7. Schedule sanctions hearings and, if necessary, recusal hearing, no later than 6 February 2023. Obviously this / these hearings should not be before Mr. McFaddin.
8. Schedule motion hearing for all outstanding motions.
9. File copies of all previously undisclosed ex parte communications.
10. any other and further relief the Court finds Proper, Prudent and Just.

January 13, 2023

Respectfully submitted,

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
843.991.4170

9 January 2023

Alan Nix
1401 Densmore Circle
Mt. Pleasant, SC 29466

George McFaddin
215 N. Harvin St.
Sumter, SC 29150

RE: 3 Jan 2023 filings case numbers 2020-CP-40-05255 and 2020-CP-40-06054

Dear Mr. Judge McFaddin.

Please accept this letter as a request for you to voluntarily rescind / withdraw the orders it appears you filed last week in cases 2020-CP-40-05255 and 2020-CP-40-06054 while you are still able to do so without the need of the parties filing motions. Given I am not currently fully informed about what has occurred I can not speak authoritatively about the magnitude and number of reasons you could utilize to justify rescinding / withdrawing your orders but I can think of several obvious and significant ones right off the top of my head.

As much as this request may appear to be intended to primarily benefit my family and I, I assume you and your associates have a sufficient understanding of the jeopardy your highly questionable filings pose to yourselves. Based on that assumption, I suggest your voluntary withdrawal vice forcing me and / or others to take action to deal with them and the resulting damages is ultimately more to you and your associates benefit than to I, my family and most of my neighbors / co-members benefit. Perhaps considering this request as more along the lines of a safe harbor opportunity may be a more appropriate analogy.

With that being said, if I am forced to take action and suffer additional losses because of these apparent orders it currently seems much more likely than not those responses are likely to be both very expensive and very embarrassing to you and your associates.

I have copied Ms. Clifford from the SC Commission on Prosecution Coordination in case you believe it may be beneficial to seek assistance from the SC BAR Association's Ethics Advisory Committee. While it is my general belief, based on my knowledge of her and her organizations' previous conduct in highly related matters, that Ms. Clifford is much more likely to tell you what you and your associates want to hear vice providing some semblance of sound ethical and legal advice, at least Ms. Clifford may be an asset to assist you in these situations.

Thank you in advance for at least considering taking advantage of this safe harbor opportunity, Happy New Year and if you decide to take any action at all on these issues, please do so via filing no later than 1030 this coming Friday, 13 Jan 2023.

Best regards,

Alan Nix

PS. While considering the entirety of these matters, you and Ms. Clifford may also want to discuss in detail whether or not you should recuse yourself or should have already done so. Also, Ms. Kiddy, who is cc'd below, is not only a Certified Public Accountant but also a Certified Fraud Examiner and appears to have more than a casual knowledge of defendant Churchill Park Homeowners' Association, Inc. (entity ID 00025502), potentially also now known as "Churchill Park" and most likely by now "Churchill Park" (entity ID 00108547). Auto Owners Insurance and their attorneys Mr. Mims, Mr. McNair and Mr. Thames also know a good bit about these entities and their attorneys' ongoing coordinated fraudulent conduct.

cc.

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

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

Judge Newman
1701 Main St.
Columbia, SC 29201

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

George Thames
Wilson, Jones, Carter & Baxley
4922 O'hear Ave.
North Charleston, SC 29405

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

Amie Clifford
SC Commission on Prosecution Coordination
Committee Chair, SC BAR Ethics Advisory Cmte.
1200 Senate St., Ste. B03
Columbia, SC 29201

Morgan Bryant
c/o Johnnie Dodds Owners Association, Inc.
880 Johnnie Dodds Blvd.
Mount Pleasant, SC 29464

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

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

Robert Wood
Rogers, Townsend & Thomas

Jenny Abbott-Kitchiings
Clerk, Court of Appeals

1221 Main St., 14th Floor
Columbia, SC 29201

1220 Senate St.
Columbia, SC 29201

Todd Musheff
c/o Pak Mail
1121 Park West Blvd., Ste B, PO Box 148
Mount Pleasant, SC 29466

Lee Janssen
1132 Willoughby Ln.
Mount Pleasant, SC 29466

Adam Lambert
Acker, Lambert & Hinton
858 Pendleton St.
Pickens, SC 29671

Elizabeth Hutto
SC Dept of Mental Health
2414 Bull St.
Columbia, SC 29201

Melissa Kiddy, CPA, (Certified Fraud Examiner)
Veris CPA
1156 Bowman Rd. Ste. 100A
Mount Pleasant, SC 29464

Nicholas Uricchio
c/o Scarlet Wilson
101 Meeting St.
Charleston, SC 29201

Andy Countryman
321 Wingo Way
Mount Pleasant, SC 29464

Ex. 2

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, 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.	**DEFENDANT'S AFFIDAVIT OF ATTORNEYS' FEES**

017990.00031

PERSONALLY appeared before me the attorney for the Defendant, who, being duly sworn, state she is the Attorney for Churchill Park, successor in interest to Churchill park Homeowners' Association, Inc., and submits this Affidavit pursuant to Rule 55(b)(3) of the South Carolina Rules of Civil Procedure.

1. Affiant is an attorney licensed to practice law in the State of South Carolina, and is a Shareholder with the law offices of McCabe, Trotter & Beverly, P.C.

2. Affiant's law firm was retained by Plaintiff to defend this action filed by the Plaintiff.

3. As a result of the Defendant's need to pursue a Motion to Dismiss and Motion for Sanctions in this matter, Defendant has incurred attorney's fees in the amount of **Four Thousand, Nine Hundred and Fifty Dollars ($4,950.00)** related to preparation of the Motion to Dismiss and Motion for Sanctions, preparation for and attendance of the hearing on the Petition Show Cause, and preparation for and attendance of the hearing on the Motion to Dismiss and Motion for Sanctions hearing, and review of the post-hearing filings and correspondence filed by the Plaintiff.

4. Attached please find redacted invoices for legal fees related to the Motion to Dismiss and Motion for Sanctions. An unredacted report is available for in camera review if necessary.

5. The attorney's fees are based on actual time spent working on the matter by Affiant and associate/paralegal/law clerk staff of McCabe, Trotter & Beverly, P.C. The rates charged by Affiant are believed to be consistent with the rates charged by similarly experienced attorneys in litigated matters such as this. All of the actions Affiant has taken and will take are necessary for the protection of her client's interests.

6. Affiant is of the opinion and belief that the attorney's fees requested are fair and reasonable under the factors presented in *Baron Data Sys., Inc. v. Loter*, 297 S.C. 382, 337 S.E. 2d 296 (1989), and substantively addressed above, and for the beneficial results achieved in obtaining a judgment against Defendant for compliance with the Declaration.

7. Based not only upon the time necessarily devoted to this case, but also upon other criteria, which have been held to be relevant in setting attorney's fees, Affiant asks this Court to review the file herein (including this Affidavit) and to include in the Court's Order to Dismiss and

Order Granting Sanctions an order for Plaintiff to pay legal fees incurred by Churchill Park, in accordance with South Carolina Frivolous Proceedings Act, S.C. Code § 15-36-10(G)(1), in the amount of **Four Thousand, Nine Hundred and Fifty Dollars ($4,950.00)**.

8. Additional time may be spent in following upon this attempt to receive an order, serving, and enforcing it. To the extent that additional work and time is put into this matter, Plaintiff would reserve the right to supplement this Affidavit and request an award of such other attorney's fees and costs incurred.

AFFIANT FURTHER SAYETH NOT.

V. Morgan Bryant, SC Bar No. 103318
MCCABE, TROTTER & BEVERLY, P.C.
4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
Phone: (803) 724-5000 Fax: (803) 724-5001
Email:morgan.bryant@mccabetrotter.com
ATTORNEY FOR CHURCHILL PARK

SWORN to before me this 21st day of December, 2022.

Notary Public for South Carolina
My Commission Expires: 11-4-32

TORIN ASBILL
NOTARY PUBLIC
Exp. November 4, 2032
SOUTH CAROLINA

McCabe, Trotter & Beverly, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

Invoice as of 3/16/2022
Invoice no 108428

Churchill Park
c/o Lee Janssen
[redacted]

017990.00031: Nix v. Churchill Park, et al. (2020-CP-40-05255)

Professional Fees		Hours	Rate	Amount
[redacted]				
02/07/2022 DP	Review file and/or public index ensuring our records are current and complete; Review Summons and Complaint, book-marking exhibits A-X; Complete Pleading Info; Draft/prepare Pleadings Index of all instruments filed herein to date; Calendar upcoming (web-ex) motion hearing; Update file as needed.	0.50	125.00	62.50
02/08/2022 SK	Prepare, file and serve Motion to Dismiss.	0.70	275.00	192.50
02/09/2022 DP	Enter Attorney Bryant's electronic Notice of Appearance on behalf of Churchill Park for filing with Court; Edit/revise Pleadings Index to reflect (Plaintiffs') Motion for Continuance and Add Parties and Defendant Churchill Park's Motion to Dismiss Plaintiff's Complaint and Motion for Sanctions recently filed herein; Update file. .	0.20	125.00	25.00
[redacted]				
			Sub-total Fees:	$330.00

Rate Summary

Stephanie Kellahan	0.70 hours at $275.00/hr	192.50
Roxann McKittrick	0.10 hours at $125.00/hr	12.50
Deanne Peele	1.00 hours at $125.00/hr	125.00
Total hours:	1.80	

Expenses		Units	Price	Amount
02/07/2022	E-Filing Fee.	1.00	31.74	31.74

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

Invoice as of 11/14/2022
Invoice no. 115166

Churchill Park
c/o Lee Janssen
[redacted]

Email: Churchillhoa@bill.com

017990.00031: Nix v. Churchill Park, et al. (2020-CP-40-05255)

Professional Fees		Hours	Rate	Amount
[redacted]				
10/04/2022 MB	Discuss trial roster status with Attorney Kellehan.	0.20	350.00	70.00
10/04/2022 MB	Phone call with Lee Janssen to discuss trial roster status.	0.10	350.00	35.00
10/04/2022 MB	Research impact of plaintiff appeal of motion to dismiss non-related parties on pending motion to set aside default and motion to dismiss.	1.00	350.00	350.00
[redacted]				
10/12/2022 MB	Review Motion Hearing Roster Notice (05255); discuss with Attorney Giovanoli.	0.20	350.00	70.00
10/14/2022 BB	Researching in Westlaw to determine the proper procedure for serving notice of a hearing on a defendant in jail; Drafting memo by compiling research and adding analysis for responsible attorney's review.	3.00	125.00	375.00
10/18/2022 MB	Review and respond to email correspondence from Court Coordinator requesting status update; review and prepare proposed order for efiling.	0.20	350.00	70.00

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

[redacted]				
10/23/2022 MB	Review file and procedural history; prepare summary.	1.00	350.00	350.00
[redacted]				
10/24/2022 MB	Review motions roster; discuss with Attorney Giovanoli; prepare email to Judge McFaddin regarding correction of the pending motion to continue and request to consolidate motions to one hearing date and time (1/2).	0.30	350.00	105.00
[redacted]				
10/26/2022 MB	Review file and discuss history with Attorney Kellehan in preparation for motions hearings (1/2).	0.30	350.00	105.00
10/26/2022 MB	Phone call with Lee Janssen regarding status and motions, etc. (2/2).	0.20	350.00	70.00
10/28/2022 MB	Review hand delivered correspondence from Nix; review file regarding delivery of motions, locate Certificates of Service; etc. (2/2).	0.30	350.00	105.00
10/28/2022 MB	Email to Nix with copy of correspondence received, copies of Motions, Certificates of Service (2/2).	0.30	350.00	105.00
10/28/2022 MRM	Correspondence via email with responsible attorney regarding letter from Alan Nix: update file.	0.10	150.00	15.00
10/31/2022 MB	Review additional hand delivered correspondence from Nix and proposed motions to continue (1/2).	0.20	350.00	70.00
		Sub-total Fees:		$2,815.00

Rate Summary

Bradley Bridger	3.00 hours at $125.00/hr	375.00
Morgan Bryant	5.00 hours at $350.00/hr	1,750.00
Valerie Garcia Giovanoli	1.20 hours at $350.00/hr	420.00
Roxann McKittrick	0.70 hours at $150.00/hr	105.00
Deanne Peele	1.00 hours at $150.00/hr	150.00
James Stewart	0.10 hours at $150.00/hr	15.00
Total hours:	11.00	

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000

McCabe, Trotter & Beverly, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

Invoice as of 12/13/2022
Invoice no 115864

Churchill Park
c/o Lee Janssen
[redacted]

Email: Churchillhoa@bill.com

017990.00031: Nix v. Churchill Park, et al. (2020-CP-40-05255)

Professional Fees		Hours	Rate	Amount
11/01/2022 MB	Prepare for motions hearing; research case law and elements of prejudgment attachment to oppose motion (2/2).	1.50	350.00	525.00
11/01/2022 MRM	Communication with Richland County regarding responsible attorney's request of Gate Keeper Order granted; communicate same with attorney; update file.	0.20	150.00	30.00
11/02/2022 MB	Discuss hearing and strategy with Attorney Kellehan and Attorney Giovanoli; prepare for 11/3 Motions Hearing (1/2).	0.50	350.00	175.00
11/02/2022 MB	Review hand delivered exhibits (150 pages) from Mr. Nix (2/2).	0.50	350.00	175.00
11/03/2022 MB	Motions Hearing.	2.00	350.00	700.00
11/08/2022 MRM	Examine file and pleadings therein; Update Pleading Information as needed.	0.10	150.00	15.00
11/21/2022 MB	Briefly review recent correspondence from Nix (2/2).	0.30	350.00	105.00
11/30/2022 MB	Review correspondence from Nix; review affidavit from postal worker; confirm that Nix filed in both matters (2/2).	0.20	350.00	70.00
	Sub-total Fees:			$1,795.00

Rate Summary

Morgan Bryant	5.00 hours at $350.00/hr	1,750.00
Roxann McKittrick	0.30 hours at $150.00/hr	45.00
Total hours:	5.30	

Expenses		Units	Price	Amount
11/08/2022	Copies and Printing.	1.00	0.15	0.15
11/08/2022	Copies and Printing.	149.00	0.10	14.90
	Sub-total Expenses:			$15.05
	Total Current Billing:			$1,810.05

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000

Notation Legend:
W/O = Write off
W/D = Write down rate to $0 and send invoice
R/W = Return single entry to WIP and bill remainder

Pre-Bill

Invoice as of 12/21/2022
Invoice no 0

Team Manager: VG
Billing: MB
Originating: RM
Originating: ST
Responsible: MB
Paralegal: MRM

Churchill Park
c/o Lee Janssen
[redacted]

017990.00031: Nix v. Churchill Park, et al. (2020-CP-40-05255)

Professional Fees		Hours	Rate	Amount
12/06/2022 MB	Review correspondence from Judge McFaddin; update file and tasks 2/2).	0.20	350.00	70.00
[redacted]				
12/20/2022 MB	Call with Lee Janssen regarding Judge ruling on motions and next steps (2/2).	0.10	350.00	35.00
12/20/2022 MB	Review and revise draft of proposed order. (1/2).	1.00	350.00	350.00
12/21/2022 MB	Finalize proposed order; prepare affidavit of attorneys fees and costs; submit to Judge for review and approval. (2/2).	1.50	350.00	525.00
		Sub-total Fees:		$1,015.00

Rate Summary

Morgan Bryant	2.90 hours at $350.00/hr	1,015.00
Total hours:	2.90	

____ Approved as is.

____ Project Incomplete. Return entire bill to WIP.

____ Make corrections and return to Responsible Atty for further review.

____ Make corrections as noted and bill.

____ Other (explain):

Total Current Billing:	$1,015.00
Previous Balance Due:	$4,658.86
Total Payments:	$0.00
Total Now Due:	**$5,673.86**

Ex. 3

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	CIVIL ACTION NUMBER: 2020-CP-40-6054
Alan G. Nix, Plaintiff, v. Churchill Park and Churchill Park Homeowners' Association, Inc., Defendants.	**DEFENDANT'S AFFIDAVIT OF ATTORNEYS' FEES**

(017990.00030)

PERSONALLY appeared before me the attorney for the Defendant, who, being duly sworn, state she is the Attorney for Churchill Park, successor in interest to Churchill park Homeowners' Association, Inc., and submits this Affidavit pursuant to Rule 55(b)(3) of the South Carolina Rules of Civil Procedure.

1. Affiant is an attorney licensed to practice law in the State of South Carolina, and is a Shareholder with the law offices of McCabe, Trotter & Beverly, P.C.

2. Affiant's law firm was retained by Plaintiff to defend this action filed by the Plaintiff.

3. As a result of the Defendant's need to pursue a Motion to Dismiss and Motion for Sanctions in this matter, Defendant has incurred attorney's fees in the amount of **Five Thousand, Two Hundred and Ninety Dollars ($5,290.00)** related to preparation of the Motion to Dismiss and Motion for Sanctions, preparation for and attendance of the hearing on the Petition Show

Cause, and preparation for and attendance of the hearing on the Motion to Dismiss and Motion for Sanctions hearing, and review of the post-hearing filings and correspondence filed by the Plaintiff.

4. Attached please find redacted invoices for legal fees related to the Motion to Dismiss and Motion for Sanctions. An unredacted report is available for in camera review if necessary.

5. The attorney's fees are based on actual time spent working on the matter by Affiant and associate/paralegal/law clerk staff of McCabe, Trotter & Beverly, P.C. The rates charged by Affiant are believed to be consistent with the rates charged by similarly experienced attorneys in litigated matters such as this. All of the actions Affiant has taken and will take are necessary for the protection of her client's interests.

6. Affiant is of the opinion and belief that the attorney's fees requested are fair and reasonable under the factors presented in *Baron Data Sys., Inc. v. Loter*, 297 S.C. 382, 337 S.E. 2d 296 (1989), and substantively addressed above, and for the beneficial results achieved in obtaining a judgment against Defendant for compliance with the Declaration.

7. Based not only upon the time necessarily devoted to this case, but also upon other criteria, which have been held to be relevant in setting attorney's fees, Affiant asks this Court to review the file herein (including this Affidavit) and to include in the Court's Order to Dismiss and Order Granting Sanctions an order for Plaintiff to pay legal fees incurred by Churchill Park, in accordance with South Carolina Frivolous Proceedings Act, S.C. Code § 15-36-10(G)(1), in the amount of **Five Thousand, Two Hundred and Ninety Dollars ($5,290.00)**.

8. Additional time may be spent in following upon this attempt to receive an order, serving, and enforcing it. To the extent that additional work and time is put into this matter,

Plaintiff would reserve the right to supplement this Affidavit and request an award of such other attorney's fees and costs incurred.

AFFIANT FURTHER SAYETH NOT.

V. Morgan Bryant, SC Bar No. 103318
MCCABE, TROTTER & BEVERLY, P.C.
4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
Phone: (803) 724-5000 Fax: (803) 724-5001
Email:morgan.bryant@mccabetrotter.com
ATTORNEY FOR CHURCHILL PARK

SWORN to before me this 21st day of December, 2022.

Notary Public for South Carolina
My Commission Expires: 11-4-32

TORIN ASBILL
NOTARY
PUBLIC
Exp. November 4, 2032
SOUTH CAROLINA

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

Invoice as of 3/16/2022
Invoice no. 108427

Churchill Park
c/o Lee Janssen
[redacted]

017990.00030: Nix v. Churchill Park, et al. (2020-CP-40-06054)

Professional Fees		Hours	Rate	Amount
[redacted]				
02/01/2022 SK	Review case filings from Alan Nix; begin drafting Motion to Set Aside Entry of Default and Motion to Dismiss.	3.10	275.00	852.50
[redacted]				
02/02/2022 SK	Email to Kevin Mims asking about status of motion to dismiss in case 2019-CP-10-00067 to support our res judicata argument in motion to dismiss.	0.10	275.00	27.50
02/02/2022 SK	Continue drafting Motion to Dismiss.	1.40	275.00	385.00
02/03/2022 DP	Review file and/or public index; Enter electronic Notice of Appearance on behalf of Attorney Bryant; Update file, Pleading Info, Pleading Index, etc. as needed.	0.50	125.00	62.50
[redacted]				

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

02/04/2022 SK	Draft portion of Motion to Dismiss requesting sanctions and an order enjoining Nix from filing pro se in Richland County.	0.80	275.00	220.00
02/07/2022 MB	Review and revise draft Motion to Dismiss.	0.40	275.00	110.00
02/07/2022 SK	Finalize Motion to Dismiss including request for attorney's fees and request for prefiling injunction.	1.80	275.00	495.00
02/09/2022 DP	Edit/revise Pleadings Index to include Defendant Churchill Park's Motion to Dismiss Plaintiff's Complaint and Motion for Sanctions recently filed herein; Update file.	0.10	125.00	12.50

[redacted]

Sub-total Fees: $4,147.50

Rate Summary

Morgan Bryant	6.20 hours at $275.00/hr	1,705.00
Stephanie Kellahan	8.20 hours at $275.00/hr	2,255.00
Roxann McKittrick	0.10 hours at $125.00/hr	12.50
Deanne Peele	1.40 hours at $125.00/hr	175.00
Total hours:	15.90	

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

Invoice as of 11/14/2022
Invoice no 115165

Churchill Park
c/o Lee Janssen
[redacted]

Email: Churchillhoa@bill.com

017990.00030: Nix v. Churchill Park, et al. (2020-CP-40-06054)

Professional Fees	Hours	Rate	Amount
[redacted]			

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

[redacted]

10/24/2022 MB	Review motions roster; discuss with Attorney Giovanoli; prepare email to Judge McFaddin regarding correction of the pending motion to continue and request to consolidate motions to one hearing date and time (1/2).	0.30	350.00	105.00

[redacted]

10/26/2022 MB	Review file and discuss history with Attorney Kellehan in preparation for motions hearings (2/2).	0.30	350.00	105.00
10/26/2022 MB	Phone call with Lee Janssen regarding status and motions, etc. (1/2).	0.20	350.00	70.00
10/28/2022 MB	Review hand delivered correspondence from Nix; review file regarding delivery of motions, locate Certificates of Service; etc. (1/2).	0.30	350.00	105.00
10/28/2022 MB	Email to Nix with copy of correspondence received, copies of Motions, Certificates of Service (1/2).	0.20	350.00	70.00
10/28/2022 MRM	Correspondence via email with responsible attorney regarding letter from Alan Nix: update file.	0.10	150.00	15.00
10/30/2022 MB	Begin drafting ProLaw Abbreviation list.	0.50	350.00	175.00
10/31/2022 MB	Review additional hand delivered correspondence from Nix and proposed motions to continue (1/2).	0.20	350.00	70.00
		Sub-total Fees:		$2,350.00

Rate Summary

Morgan Bryant	4.70 hours at $350.00/hr	1,645.00
Valerie Garcia Giovanoli	1.20 hours at $350.00/hr	420.00
Roxann McKittrick	0.80 hours at $150.00/hr	120.00
Deanne Peele	1.00 hours at $150.00/hr	150.00
James Stewart	0.10 hours at $150.00/hr	15.00
Total hours:	7.80	

Expenses		Units	Price	Amount
10/19/2022	Postage.	1.00	0.57	0.57
10/07/2022	E-Filing Fee.	1.00	31.74	31.74
10/19/2022	Copies and Printing.	1.00	0.15	0.15

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

Invoice as of 12/13/2022
Invoice no 115863

Churchill Park
c/o Lee Janssen
[redacted]

Email: Churchillhoa@bill.com

017990.00030: Nix v. Churchill Park, et al. (2020-CP-40-06054)

Professional Fees

		Hours	Rate	Amount
[redacted]				
11/01/2022 MRM	Communication with Richland County regarding responsible attorney's request of Gate Keeper Order granted; communicate same with attorney; update file.	0.20	150.00	30.00
11/02/2022 MB	Motions Hearing.	2.00	350.00	700.00
11/02/2022 MB	Discuss hearing and strategy with Attorney Kellehan and Attorney Giovanoli; prepare for 11/3 Motions Hearing (2/2).	0.50	350.00	175.00
11/02/2022 MB	Review hand delivered exhibits (150 pages) from Mr. Nix (1/2).	0.50	350.00	175.00
11/08/2022 MRM	Examine file and pleadings therein; Update Pleading Information as needed.	0.10	150.00	15.00
11/21/2022 MB	Briefly review recent correspondence from Nix (1/2).	0.30	350.00	105.00
11/30/2022 MB	Review correspondence from Nix; review affidavit from postal worker; confirm that Nix filed in both matters (1/2).	0.20	350.00	70.00
	Sub-total Fees:			$1,795.00

Rate Summary

Morgan Bryant	5.00 hours at $350.00/hr	1,750.00
Roxann McKittrick	0.30 hours at $150.00/hr	45.00
Total hours:	5.30	

Expenses

		Units	Price	Amount
11/08/2022	Copies and Printing.	4.00	0.10	0.40
	Sub-total Expenses:			$0.40
	Total Current Billing:			$1,795.40

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000

Notation Legend:
W/O = Write off
W/D = Write down rate to $0 and send invoice
R/W = Return single entry to WIP and bill remainder

Pre-Bill

Invoice as of 12/21/2022
Invoice no 0

Billing: MB
Team Manager: VG
Originating: ST
Responsible: MB
Originating: RM
Paralegal: MRM

Churchill Park
c/o Lee Janssen
[redacted]

017990.00030: Nix v. Churchill Park, et al. (2020-CP-40-06054)

Professional Fees		Hours	Rate	Amount
12/06/2022 MB	Review correspondence from Judge McFaddin; update file and tasks 1/2).	0.20	350.00	70.00
12/14/2022 BB	Reviewing and analyzing Motion to Set Aside Default Judgment, Motion to Dismiss, and Motion for Sanctions; Brief conference with responsible attorney about drafting Proposed Order Granting Churchill Park's Motions.	2.10	150.00	315.00
[redacted]				
12/20/2022 MB	Call with Lee Janssen regarding Judge ruling on motions and next steps (1/2).	0.20	350.00	70.00
12/20/2022 MB	Review and revise draft of proposed order. (2/2).	1.00	350.00	350.00
12/21/2022 MB	Finalize proposed order; prepare affidavit of attorneys fees and costs; submit to Judge for review and approval. (1/2).	1.50	350.00	525.00
			Sub-total Fees:	$2,355.00

Rate Summary

Bradley Bridger	8.70 hours at $150.00/hr	1,305.00
Morgan Bryant	3.00 hours at $350.00/hr	1,050.00
Total hours:	11.70	

Total Current Billing:	$2,355.00
Previous Balance Due:	$6,369.24

Ex. 4

2011-02-04-01 (Amended by Order 2019-06-28-02)

The Supreme Court of South Carolina

ORDER

The Order dated January 13, 2010 setting forth the authority of circuit judges designated as chief judges for administrative purposes is amended to read as follows:

Pursuant to the provisions of S. C. CONST. Art. V, §4,

IT IS ORDERED that the authority of a circuit judge designated as a chief judge for administrative purposes shall include, but not be limited to, the following administrative purposes and acts:

1. To call, or cause to be called, meetings of the County Bar Association for the purpose of preparing civil and criminal rosters and for such other purposes as he or she shall deem necessary. In any circuit with two chief judges for administrative purposes, each chief judge may call, or cause to be called, these meetings for the court for which he or she has been designated chief judge.

2. To set jury and nonjury trial rosters and/or dockets for all civil terms of circuit court and to designate which presiding judge shall hear each roster or rosters. In addition, the chief judge for administrative purposes shall set the common pleas jury and nonjury trial roster for those terms to be established during the first month following this six month period.

To set hearings on bonds, motions, probation revocations and other nonjury general sessions matters and to designate which presiding judge shall hear these matters.

To regularly review, with the assistance of the clerk of court, all common pleas cases to determine which, if any, should appropriately be transferred to the magistrate court for disposition.

In any circuit with two chief judges for administrative purposes, each chief judge shall assume responsibility for setting rosters and assigning judges to those rosters for the court for which he or she has been designated chief judge.

3. To assist the clerk of court in fulfilling his or her responsibility pursuant to S.C. Code Ann. §14-17-210(1976) to assign courtrooms and offices to the presiding circuit and family court judges.

4. To designate the hours of court for each term of circuit court. In those circuits with two chief judges for administrative purposes, this responsibility shall be assumed by the chief judge for administrative purposes for the court of common pleas.

5. To direct and supervise the activities of all circuit court secretaries in the circuit to the extent that it does not unreasonably conflict with their other judicial duties. In those circuits with two chief judges for administrative purposes, this responsibility shall be assumed by the chief judge for administrative purposes for the court of common pleas.

6. To direct the clerks of court and presiding judges to keep and maintain such records as he or she shall direct, upon the approval of the Chief Justice, of the disposition of cases during each term of circuit court, both civil and criminal. In those circuits with two chief judges for administrative purposes, each chief judge shall assume this responsibility for the court for which he or she has been designated as chief judge.

7. To grant continuances when requested by counsel for good and sufficient legal cause stated in writing prior to the commencement of any term of circuit court, both civil and criminal. In those circuits with two chief judges for administrative purposes, each chief judge shall assume this responsibility for the court for which he or she has been designated as chief judge.

8. To resolve any scheduling and other administrative problems which may arise from time to time in conducting concurrent terms of circuit court, both civil and criminal. Because of the large number of jurors summoned during the juror qualification and selection phases of capital cases and other

complex or high profile criminal and civil cases, the chief judge, in coordination with the clerk of court, shall make reasonable accommodations by converting other jury terms to non-jury terms in order to eliminate any undue burden on courthouse facilities and staff. In those circuits with two chief judges, this responsibility shall be assumed by the chief judge for administrative purposes for the court of common pleas.

9. Consult with the circuit solicitor as soon after the effective date of this order to determine the [illegible] of the convening of the grand jury in the various counties within the judicial circuit for the ensuing six-month period. Where feasible, the grand jury shall be convened at times other than the opening day of a term of the court of general sessions in order to maximize the effective use of each term of the court of general sessions. The chief judge shall issue an order scheduling such terms of the grand jury in each county within his circuit, including the opening day of a term of general sessions, for the ensuing six-month period. A copy of such order is to be filed with the Office of South Carolina Court Administration. Notwithstanding the foregoing, the chief judge for administrative purposes may convene the grand jury at other times during the six-month period as the public interest may necessitate, with a copy of each such order filed with the office of South Carolina Court Administration. In those circuits with two chief judges for administrative purposes, this responsibility shall be assumed by the chief judge for administrative purposes for the court of general sessions.

10. Cases stricken from the file book under Rule 40(j), SCRCP, may only be restored by the chief judge for administrative purposes in each judicial circuit, or by the chief judge for administrative purposes for the court of common pleas in those circuits with two chief judges.

11. To maintain a current record of all scheduling orders issued in the circuit and to provide the record of scheduling orders to the chief judge for administrative purposes subsequently assigned to the circuit.

12. To consider requests to be relieved of appointments to serve as counsel or guardian ad litem for indigents pursuant to Rule 608(f)(8), SCACR.

13. To monitor matters referred to masters-in-equity or special referees to insure timely disposition of the matters. Masters-in-equity and special referees shall continue to have exclusive jurisdiction over referred matters until rendering a final decision or referring a matter back to the circuit court.

14. To perform such other administrative duties as shall be assigned from time to time by the Chief Justice.

15. Except as specifically authorized herein, no administrative rule affecting the operation of the courts shall be adopted without the prior approval of the Chief Justice.

16. To handle matters brought within the circuit pursuant to federal and state statutes regulating the interception of wire, electronic, or oral communications, sexual exploitation, or cyber crime.

17. As the Presiding Judge of the State Grand Jury, the Chief Judge (General Sessions) of the Fifth Judicial Circuit shall have statewide jurisdiction over matters brought pursuant to federal and state statutes regulating the interception of wire, electronic or oral communications, sexual exploitation, or cyber crime. In the absence or unavailability of the Chief Judge (General Sessions) of the Fifth Judicial Circuit, the Chief Judge (Common Pleas) of the Fifth Judicial Circuit is hereby designated as the Acting Chief Judge (General Sessions) of the Fifth Judicial Circuit and the Acting Presiding Judge of the State Grand Jury.

IT IS FURTHER ORDERED that when a chief judge for administrative purposes has a conflict in a matter or proceeding and is thereby prevented from performing these duties in a matter or proceeding reserved to the chief judge for administrative purposes, the following procedures shall be followed:

a. In those circuits with one chief administrative judge, the matter or proceeding shall be referred to the Chief Justice for assignment to the chief administrative judge of an adjoining circuit.

b. In those circuits with two chief administrative judges, the matter or proceeding shall be referred to the other chief administrative judge. If the other chief administrative judge is also disqualified, the matter or proceeding shall be referred to the Chief Justice for assignment to the chief administrative judge of an adjoining circuit.

c. Should the chief administrative judge(s) in the circuit and those of an adjoining circuit be disqualified, the matter or proceeding shall be referred to the Chief Justice for assignment to a judge.

IT IS FURTHER ORDERED that if a trial or hearing has been commenced and the judge is unable to proceed, the chief judge for administrative purposes shall assign the trial or hearing to a successor judge. If the chief administrative judge has a conflict and is thereby prevented from performing this duty, the matter shall be referred to the Chief Justice to assign a successor judge. The successor judge may proceed with the trial or hearing upon certifying familiarity with the record and determining that the proceedings may be completed without prejudice to the parties. In a hearing or a trial without a jury, the successor judge shall at the request of a party recall any witness whose testimony is material and disputed and who is available to testify without undue burden. A successor judge [illegible] provide for the recall of any witnesses.

IT IS FURTHER ORDERED that this Order shall remain in effect until amended or rescinded by Order of the Chief Justice.

s/Jean Hoefer Toal
Jean Hoefer Toal
Chief Justice

February 4, 2011
Columbia, South Carolina

2019-06-28-02

The Supreme Court of South Carolina

Re: Duties of Circuit Court Chief Judges for Administrative Purposes

ORDER

The order dated February 4, 2011, setting forth the authority of circuit judges designated as chief judges for administrative purposes is amended to read as follows:

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the authority of a circuit judge designated as a chief judge for administrative purposes shall include, but not be limited to, the following administrative purposes and acts:

2019-06-28-02

The Supreme Court of South Carolina

Re: Duties of Circuit Court Chief Judges for Administrative Purposes

ORDER

1. To call, or cause to be called, meetings of the County Bar Association for the purpose of preparing civil and criminal rosters and for such other purposes as he or she shall deem necessary. In any circuit with two chief judges for administrative purposes, each chief judge may call, or cause to be called, these meetings for the court for which he or she has been designated chief judge.

2. To set jury and nonjury trial rosters and/or dockets for all civil terms of circuit court and to designate which presiding judge shall hear each roster or rosters. In addition, the chief judge for administrative purposes shall set the common pleas jury and nonjury trial roster for those terms to be established during the first month following this six-month period.

3.To regularly review, with the assistance of the clerk of court, all common [illegible] cases to determine which, if any, should appropriately be transferred [illegible] magistrate court for disposition.

4. To manage the criminal docket after consultation with the Circuit Solicitor, Circuit Public Defender, and Clerk of Court.

5. To set hearings on bonds, motions, probation revocations and other nonjury general sessions matters and to designate which presiding judge shall hear these matters.

6. In any circuit with two chief judges for administrative purposes, each chief judge shall assume responsibility for setting rosters and assigning judges to those rosters for the court for which he or she has been designated chief judge.

7. To assist the clerk of court in fulfilling his or her responsibility pursuant to S.C. Code Ann. § 14-17-210 to assign courtrooms and offices to the [illegible] presiding circuit and family court judges.

8. To designate the hours of court for each term of circuit court. In those [illegible] with two chief judges for administrative purposes, this responsibility shall be assumed by the chief judge for administrative purposes for the court of common pleas.

9. To direct and supervise the activities of all circuit court secretaries in the circuit to the extent that it does not unreasonably conflict with their other judicial duties. In those circuits with two chief judges for administrative purposes, this responsibility shall be assumed by the chief judge for administrative purposes for the court of common pleas.

10. To direct the clerks of court and presiding judges to keep and maintain such records as he or she shall direct, upon the approval of the Chief Justice, of the disposition of cases during each term of the circuit court, both civil and criminal. In those circuits with two chief judges for administrative purposes, each chief judge shall assume this responsibility for the court for

which he or she has been designated as chief judge.

11. To grant continuances when requested by counsel for good and sufficient legal cause stated in writing prior to the commencement of any term of the circuit court, both civil and criminal. In those circuits with two chief judges for administrative purposes, each chief judge shall assume this responsibility for the court for which he or she has been designated as chief judge.

12. To resolve any scheduling and other administrative problems which may arise from time to time in conducting concurrent terms of circuit court, both civil and criminal. Because of the large number of jurors summoned during the juror qualification and selection phases of capital cases and other complex or high-profile criminal and civil cases, the chief judge, in coordination with the clerk of court, shall make reasonable accommodations by converting other jury terms to non-jury terms in order to eliminate any undue burden on courthouse facilities and staff. In those circuits with two chief judges, this responsibility shall be assumed by the chief judge for administrative purposes for the court of common pleas.

13. To consult with the circuit solicitor as soon after the effective date of this order to determine the dates for the convening of the grand jury in the various counties within the judicial circuit for the ensuing six-month period. Where feasible, the grand jury shall be convened at times other than the opening day of a term of the court of general sessions in order to maximize the effective use of each term of the court of general sessions. The chief judge shall issue an order scheduling such terms of the grand jury in each county within his circuit, including the opening day of a term of general sessions, for the ensuing six-month period. A copy of such order is to be filed with the Office of South Carolina Court Administration. Notwithstanding the foregoing, the chief judge for administrative purposes may convene the grand jury at other times during the six-month period as the public interest may necessitate, with a copy of each such order filed with the Office of South Carolina Court Administration. In those circuits with two chief judges for administrative purposes, this responsibility shall be assumed by the chief judge for administrative purposes for the court of general sessions.

14. Cases stricken from the file book under Rule 40(j), SCRCP, may only be restored by the chief judge for administrative purposes in each judicial circuit, or by the chief judge for administrative purposes for the court of common pleas in those circuits with two chief judges.

15. To maintain a current record of all scheduling orders issued in the circuit and to provide the record of scheduling orders to the chief judge for administrative purposes subsequently assigned to the circuit.

16. To consider requests to be relieved of appointments to serve as counsel or guardian ad litem for indigents pursuant to Rule 608(f)(3), SCACR.

17. To monitor matters referred to masters-in-equity or special referees to ensure timely disposition of the matters. Masters-in-equity and special

referees shall continue to have exclusive jurisdiction over the referred matters until rendering a final decision or referring a matter back to the circuit court.

18. To perform such other administrative duties as shall be assigned from time to time by the Chief Justice.

19. Except as specifically authorized herein, no administrative rule affecting the operation of the courts shall be adopted without the prior approval of the Chief Justice.

20. To handle matters brought within the circuit pursuant to federal and state statutes regulating the interception of wire, electronic, or oral communications, sexual exploitation, or cybercrime.

21. As the Presiding Judge of the State Grand Jury, the Chief Judge (General Sessions) of the Fifth Judicial Circuit shall have statewide jurisdiction over matters brought pursuant to federal and state statutes regulating the interception of wire, electronic or oral communications, sexual exploitation, or cybercrime. In the absence or unavailability of the Chief Judge (General Sessions) of the Fifth Judicial Circuit, the Chief Judge (Common Pleas) of the Fifth Judicial Circuit is hereby designated as the Acting Chief Judge (General Sessions) of the Fifth Judicial Circuit and the Acting Presiding Judge of the State Grand Jury.

IT IS FURTHER ORDERED that when a chief judge for administrative purposes has a conflict in a matter or proceeding and is thereby prevented from performing these duties in a matter or proceeding reserved to the chief judge for administrative purposes, the following procedures shall be followed.

a. In those circuits with one chief administrative judge, the matter or proceeding shall be referred to the Chief Justice for assignment to the chief administrative judge of an adjoining circuit.

b. In those circuits with two chief administrative judges, the matter or proceeding shall be referred to the other chief administrative judge. If the other chief administrative judge is also disqualified, the matter or proceeding shall be referred to the Chief Justice for assignment to the chief administrative judge of an adjoining circuit.

c. Should the chief administrative judge(s) in the circuit and those of an adjoining circuit be disqualified, the matter or proceeding shall be referred to the Chief Justice for assignment to a judge.

IT IS FURTHER ORDERED that if a trial or hearing has been commenced and the judge is unable to proceed, the chief judge for administrative purposes shall assign the trial or hearing to a successor judge. If the chief administrative judge has a conflict and is thereby prevented from performing this duty, the matter shall be referred to the Chief Justice to assign a successor judge. The successor judge may proceed with the trial or hearing upon certifying familiarity with the record and determining

that the proceedings may be completed without prejudice to the parties. In a hearing or a trial without a jury, the successor judge shall at the request of a party recall any witness whose testimony is material and disputed and who is available to testify without undue burden. A successor judge may provide for the recall of any witnesses.

IT IS FURTHER ORDERED that this Order shall remain in effect until amended or rescinded by Order of the Chief Justice.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
June 29, 2019

Ex. 5

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-10-5407

Churchill Park

Nix

PLAINTIFF(S)

DEFENDANT(S)

Filed by:

Attorney for: ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

FILED
2014 MAY -9 AM 10: 13
JULIE J. ARMSTRONG
CLERK OF COURT

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional information for the Clerk: The court grants both Motions to Restore Case to the Active Docket.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
NA	NA	$NA
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge

3062
Judge Code

5/8/14
Date

SCJD Form 4C (10/2011)

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of . 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)	ATTORNEY(S) FOR THE DEFENDANT(S)
	CLERK OF COURT

Court Reporter:

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of . 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

Ex. 6

The Supreme Court of South Carolina

RE: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions and Foreclosures Forms

ORDER

The federal Coronavirus Aid, Relief, and Economic Security Act was adopted into law March 27, 2020. The Act includes provisions for a nationwide moratorium on [illegible] but not all, eviction and foreclosure actions.

I FIND it is appropriate to ensure that evictions and foreclosures filed in the trial courts of this State comply with the protections provided in the Coronavirus Aid, Relief, and Economic Security Act for certain tenants and homeowners.

Therefore, pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that any party pursuing an eviction or foreclosure in a trial court of this State must submit to the court a signed, original Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act. For evictions and foreclosures filed on or after the date of this Order, the Certification of Compliance must be submitted along with the initial filing. For evictions and foreclosures filed before the date of this Order, the Certification of Compliance must be filed with the court prior to proceeding with the eviction or foreclosure. If a party required to file a Certification of Compliance neglects to do so the eviction or foreclosure shall terminate without further action taken.

IT IS FURTHER ORDERED that magistrate courts statewide shall not issue a writ or warrant of ejectment in an eviction action until the party pursuing the eviction has complied with the provisions of this Order.

IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall not hold a foreclosure sale, or issue a judgment of foreclosure, writ of assistance, or writ of ejectment in a foreclosure action until the party pursuing the foreclosure has complied with the provisions of this Order.

IT IS FURTHER ORDERED that the Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions (SCCA256B) form, and the Certification of Compliance with the Coronavirus Aid, Relief, and

Economic Security Act in Foreclosures (SCCA256A) form are approved for use in the trial courts of this State effective as of the date of this Order.

This Order is effective immediately.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
May 6, 2020

Ex. 7

S.C. R. Civ. P. 82

As amended through November 17, 2022

Rule 82 - Jurisdiction and Venue**(a) Jurisdiction Unaffected.** These rules shall not be construed to extend or limit the jurisdiction of any court of this State or, except as provided in Rule 82(b), the venue of any action. **(b) Venue of Action.** When an action is brought in the wrong county or in the wrong court, the court shall not dismiss the action but shall transfer it to any proper county or court in which it could have been brought. **(c) Removal to Federal Courts.** When a petition for the removal of any action pending in any court of this State to any court of the United States is filed, no order accepting the petition or directing the action to be removed shall be required.

S.C. R. Civ. P. 82

This Rule 82(a), similar to the Federal Rule, is a rule of construction, to insure that these Rules are not held to have made any change in jurisdictional or venue requirements and limitations. Rule 82(b) is similar to that adopted by many states to avoid having an action dismissed only to be commenced again in the proper jurisdiction. Rule 82(c) conforms to present practice.

Ex. 8

26168 - Jeter v. SCDOT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Calvin L. Jeter and Quantilla B. Jeter, Respondents,

v.

South Carolina Department of Transportation, Petitioner,

v.

Phyllis P. Brown, Respondent.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Fairfield County
Kenneth G. Goode, Circuit Court Judge
Larry R. Patterson, Circuit Court Judge

Opinion No. 26168
Heard March 9, 2006 - Filed June 19, 2006

AFFIRMED IN PART; REVERSED IN PART

Andrew F. Lindemann, of Davidson, Morrison and Lindemann, P.A., of Columbia; and Charles V. Verner, of Harley and Verner, L.L.P, of Newberry, for Petitioner.

Albert V. Smith, of Spartanburg, for Respondents Calvin L. Jeter and Quantilla Jeter.

Daryl G. Hawkins, of Columbia; and Howard Hammer, of Hammer and Hammer, of Columbia, for Respondent Phyllis P. Brown.

ACTING JUSTICE COUCH: This Court granted South Carolina Department of Transportations (SCDOT) writ of certiorari to review the Court of Appeals rulings on subject matter jurisdiction and venue in Jeter v. S.C. Dept of Transp., 358 S.C. 528, 595 S.E.2d 827 (Ct. App. 2004). We affirm in part and reverse in part.

FACTUAL/PROCEDURAL BACKGROUND

[illegible], 1997, Calvin Jeter was operating a motorcycle on Secondary Road 37, also known as Herbert Road, in Union County, and Phyllis Brown was driving a vehicle in the opposite direction. SCDOT had recently resurfaced part of Herbert Road. After entering upon a resurfaced portion of the

road, Brown saw a deer on the roadside and applied the brakes. She lost control of her vehicle and collided with Jeters motorcycle. Brown claimed excessive, loose gravel on the road caused her to lose control of the vehicle.

Jeter and his wife, Quantilla, each filed complaints in the Union County Court of Common Pleas against SCDOT under the South Carolina Tort Claims Act (SCTCA).[1] The Jeters alleged SCDOT had failed to safely maintain the roadway and failed to warn drivers of its dangerous condition.

SCDOT filed third-party complaints against Brown, naming her as a third-party defendant. SCDOT contended Brown was a necessary party to the litigation to permit apportionment of fault under S.C. Code Ann. 15-78-100(c).[2] Brown filed a counterclaim against SCDOT under the SCTCA for personal injuries she sustained from the accident.

After settling with the Jeters, Brown moved to dismiss the third-party complaints under Rule 12(b)(6), SCRCP. The lower court ruled Brown was a necessary party to the action under Rule 19, SCRCP, and should remain a party to the action solely for the purposes of satisfying the statutory requirement of S.C. Code Ann. 15-78-100(c).

Brown then filed an amended answer and counterclaim, alleging venue in Union County was improper and that as a matter of right should be transferred to Fairfield County, her county of residence. Brown subsequently filed a motion to change venue to Fairfield County. The lower court granted Browns motion, over SCDOTs objection, and transferred venue to Fairfield County. The lower court subsequently denied SCDOTs motion to change venue back to Union County, pursuant to S.C. Code Ann. 15-78-100(b).

During the trial, the lower court ruled Brown was not negligent as a matter of law and granted a directed verdict for Brown on the issue of her negligence. The lower court also granted Browns motion for directed verdict on SCDOTs defense of unavoidable accident. The jury returned verdicts in favor of the Jeters and Brown.

SCDOT appealed to the Court of Appeals. The Court of Appeals interpreted S.C. Code Ann. 15-78-100(b) to establish subject matter jurisdiction in the circuit court of South Carolina and venue in the county where the act or omission occurred. The Court of Appeals found the lower court did not abuse its discretion by transferring venue to Fairfield County under S.C. Code Ann. 15-7-30 (2005). The Court of Appeals further found the lower court erred in directing a verdict for Brown on the issue of her negligence because the SCTCA requires the jury to apportion fault among all potential tortfeasors. Accordingly, the Court of Appeals reversed and remanded the case. Jeter, 358 S.C. at 532-36, 595 S.E.2d at 829-31.[3]

ISSUES

I. Did the Court of Appeals err in construing S.C. Code Ann. 15-78-100(b)?

II. Did the Court of Appeals err in finding the lower court did not abuse its discretion by transferring venue to Fairfield County under S.C. Code Ann. 15-7-30?

STANDARD OF REVIEW

Motions to change the venue of a trial are addressed to the sound discretion of the trial court. Garrett v. Packet Motor Express Co., 263 S.C. 463, 210 S.E.2d 912 (1975). This Court will not disturb the trial judges decision on appeal unless a manifest abuse of discretion is found resulting in an error of law. Graham v. Beverly, 235 S.C. 222, 110 S.E.2d 923 (1959). Moreover, the error of law must be so opposed to the trial judges sound discretion as to amount to a deprivation of the legal rights of the party. OShields v. Caldwell, 208 S.C. 245, 37 S.E.2d 665 (1946).

LAW/ANALYSIS

I. Construction of S.C. Code Ann. 15-78-100(b)

SCDOT argues the Court of Appeals erred in finding 15-78-100(b) is not a statutory provision solely setting forth subject matter jurisdiction. SCDOT argues this statutory provision provides that only the circuit court in the county where the act or omission occurred has subject matter jurisdiction over an action brought pursuant to the SCTCA. Accordingly, the only court having subject matter jurisdiction over this particular case is the Union County Court of Common Pleas. We disagree.

The issue of interpretation of a statute is a question of law for the court. Charleston County Parks & Rec. Commn v. Somers, 319 S.C. 65, 459 S.E.2d 841 (1995) (holding the determination of legislative intent is a matter of law). This Court is free to decide questions of law with no particular deference to the lower court. Moriarty v. Garden Sanctuary Church of God, 341 S.C. 320, 534 S.E.2d 672 (2000).

The Court of Appeals held 15-78-100(b) addressed subject matter jurisdiction to the extent that such jurisdiction was conferred in the circuit court. The Court of Appeals further held the statutory provision established venue in the county in which the act or omission occurred. Jeter, 358 S.C. at 532-33, 595 S.E.2d at 829-30.

Subject matter jurisdiction is the power to hear and determine cases of the general class to which [illegible] proceedings in question belong. Venue is the place or geographical location of trial. The propriety [illegible] independent of the other. Dove v. Gold Kist, Inc., 314 S.C. 235, 236, 442 S.E.2d 598, 600 (1994) State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005).

The South Carolina Constitution in Article V, 11, states, The Circuit Court shall be a general trial court with original jurisdiction in civil and criminal cases, except those cases in which exclusive jurisdiction shall be given to inferior courts, and shall have such appellate jurisdiction as provided by law.[4] Section 15-78-100(b) states, Jurisdiction for any action brought under this chapter is in the circuit court and brought in the county in which the act or omission occurred.

In Dove, Dove appealed a workers compensation claim to the circuit court, which dismissed his appeal for lack of subject matter jurisdiction. On appeal, the Court construed S.C. Code Ann. 42-17-60 (Supp. 1993), which provided in relevant part: [E]ither party . . . may appeal from the decision of the commission to the court of common pleas of the county in which the alleged accident happened, or in which the employer resides or has his principal office. Dove, 314 S.C. at 238, 442 S.E.2d at 600. The Court discerned, There is but one Circuit Court in South Carolina, with uniform subject matter jurisdiction *throughout the State.* Id. (citing State ex rel. Riley v. Martin, 274 S.C. 106, 111, 262 S.E.2d 404, 406 (1980); S.C. Const. art. V, 1) (emphasis in original). Then, the Court construed the statutory provision as granting subject matter jurisdiction to the court of common pleas throughout the state and as designating venue in the county in which the alleged accident happened or in which the employer resides or has his principal office. Id. at 239, 442 S.E.2d at 600.

In Harrison v. S.C. Tax Commn, 261 S.C. 302, 199 S.E.2d 763 (1973), *overruled on other grounds by* [illegible] by Andrews v. Batson, 285 S.C. 243, 329 S.E.2d 741 (1985), *superseded by statute*, the [illegible] considered whether S.C. Code 10-2605 (1962),[5] was intended to confer subject matter jurisdiction or was a venue provision. Former section 10-2605 provided in pertinent part: The *circuit courts of this State are hereby vested with jurisdiction* to hear and determine all questions, actions and controversies, . . . affecting boards, commissions and agencies of this State, and officials of the State in their official capacities *[i]n the circuit where such question, action or controversy shall arise.* Harrison, 261 S.C. at 305, 199 S.E.2d at 764 (emphasis in original). The Court found because the South Carolina Constitution granted subject matter jurisdiction to the court of common pleas in all civil cases, the [statute] could not have been intended to confer jurisdiction on it of this class of actions in the strict sense of that term. The intent of the legislature must have been to fix the venue of such actions in the circuit where such question, action or controversy shall arise. . . . Id. at 306, 199 S.E.2d at 764.

Section 15-78-100(b) is similar to 42-17-60 and former 10-2605 in that the statutory provision references subject matter jurisdiction and venue in one sentence. Because there is but one circuit court in South Carolina, with uniform subject matter jurisdiction throughout the state, 15-78-100(b) establishes subject matter jurisdiction for actions arising under the SCTCA in the circuit court throughout the state. See Dove, 314 S.C. at 238, 442 S.E.2d at 600; Riley, 274 S.C. at 111, 262

S.E.2d at 400. Section 15-78-100(b) also establishes venue in the county in which the act or omission occurred. See also Ellis by Ellis v. Oliver, 307 S.C. 365, 367, 415 S.E.2d 400, 401 (1992) (Under the SCTCA, venue is proper where the act or omission occurred.).

II. Transfer of venue pursuant to S.C. Code Ann. 15-7-30

SCDOT argues if 15-78-100(b) establishes venue in the county in which the act or omission occurred, then the Court of Appeals erred in affirming the lower courts transfer of venue under 15-7-30 when the original venue was proper under 15-78-100(b). We agree.[6]

Upon Browns motion, the lower court transferred venue to Fairfield County as a matter of right, citing S.C. Code Ann. 15-7-30;[7] McKissick v. J.F. Cleckley & Co., 325 S.C. 327, 479 S.E.2d 67 (Ct. App. 1996); and Ellis, 307 S.C. at 365, 415 S.E.2d at 400.[8]

The Court of Appeals found that 15-78-100(b) did not prevent the lower court from considering Browns motion to transfer venue pursuant to 15-7-30. The Court of Appeals further found the lower court did not abuse its discretion by transferring venue to Browns county of residence. Jeter, 358 S.C. at 533, 595 S.E.2d at 829-30.

The defendant has a substantial right to be tried in the county of his residence pursuant to S.C. Code Ann. 15-7-30 (2005). Thus, in a case involving only one defendant or multiple defendants who reside in a single county, the venue choice generally is controlled by the residence of the defendant. Carroll, 302 S.C. at 177, 394 S.E.2d at 708. However, where there are multiple defendants residing in different counties, the plaintiff may properly bring the action in the county where any one of the defendants resides at the time of the commencement of the action. In such a case, the plaintiff ordinarily has the right of election as to the county in which an action will be brought. Mack v. Nationwide Mut. Ins. Co., 245 S.C. 619, 623-24, 142 S.E.2d 50, 53 (1965); Rankin Lumber Co. v. Graveley, 112 S.C. 128, 99 S.E. 349 (1919).

Where an action is properly commenced in any one of two or more venues and is properly brought in one of such venues, it is removable to the other proper venue only if there exists some statutory ground for removal other than the bringing of suit in the wrong venue. 92A C.J.S. *Venue* 157 (2000); see also 77 Am.Jur.2d *Venue* 67 (1997); Slattery v. Iowa Dist. Ct. for Johnson County, 442 N.W.2d 82 (Iowa 1989); Kahn v. Gill Hills Co., 610 So.2d 1374 (Fla. App. 1992). The general rule is that where an action is properly instituted in a county other than that of the defendants residence, a defendant has no right to request a change of venue to the county of his or her residence on the ground that the action was not brought in a proper county, even if the action could also have been commenced in the county where the defendant resides. 92A C.J.S. *Venue* 163; see also Tribolet v. Fowler, 266 P.2d 1088 (Ariz. 1954).

We find the reasoning of the Court of Appeals erroneous. The Jeters properly instituted their actions against SCDOT by filing their actions in the Union County Court of Common Pleas pursuant to 15-78-100(b). Because the actions were properly instituted, Brown, as a defendant, had no right to request a change of venue to the county of her residence based on an allegation that the actions were brought in an improper venue.[9] Thus, the lower court abused its discretion by transferring venue to Browns county of residence pursuant to 15-7-30.

CONCLUSION

We affirm the Court of Appeals finding that 15-78-100(b) establishes subject matter jurisdiction in the circuit court of South Carolina and venue in the county where the act or omission occurred. We find the lower court abused its discretion by transferring venue under 15-7-30 and reverse that part of the Court of Appeals decision. Further, we find it unnecessary to address SCDOTs remaining arguments and issue on appeal related to venue. See Whiteside v. Cherokee County School Dist. No. One, 311 S.C. 335, 340, 428 S.E.2d 886, 889 (1993) (appellate court need not address remaining issues when resolution of prior issues is dispositive).

AFFIRMED IN PART; REVERSED IN PART.

TOAL, C.J., MOORE and WALLER, JJ., concur.

[1] S.C. Code Ann. 15-78-10 through -200 (2005).

[2] Section 15-78-100(c) provides:

In all actions brought pursuant to this chapter when an alleged tortfeasor is named as party defendant in addition to the governmental entity, the trier of fact must return a special verdict specifying the proportion of monetary liability of each defendant against whom liability is determined.

[3] The Court of Appeals ruling to reverse the directed verdict for Brown on the issue of her negligence and its decision to not reach the issue of whether the trial court should have charged the defense of unavoidable accident have not been appealed. Because these rulings have gone unchallenged, they are the law of the case. See Clark v. S.C. Dept of Pub. Safety, 362 S.C. 377, 608 S.E.2d 573 (2005) (an unappealed ruling becomes the law of the case and precludes further consideration of the issue on appeal).

[4] See also S.C. Const. art. V, 1 (The judicial power shall be vested in a unified judicial system, which shall include a Supreme Court, a Court of Appeals, a Circuit Court, and such other courts of uniform jurisdiction as may be provided for by general law.).

[5] Currently codified at 15-77-50 (2005). See also Whetstone v. S.C. Dept of Hwys. & Pub. Transp., 272 S.C. 324, 252 S.E.2d 35 (1979) (concluding 15-77-50 established venue).

[6] Regardless of any preservation problems we address this issue in the interest of judicial economy. The first time this case was tried, it ended in a mistrial. This appeal involves the second trial, and based on the unappealed rulings of the Court of Appeals, this case will be tried for a third time. See S. Bell Tel. & Tel. Co. v. Hamm, 306 S.C. 70, 75, 409 S.E.2d 775, 778 (1991) (deciding an issue on appeal in the interest of judicial economy).

[7] Section 15-7-30 then provided:

[illegible] cases the action shall be tried in the county in which the defendant resides at the time of the commencement of the action. If there be more than one defendant then the action may be tried in any county in which one or more of the defendants to such action resides at the time of the commencement of the action. If none of the parties shall reside in the State the action may be tried in any county which the plaintiff shall designate in his complaint. This section is subject however to the power of the court to change the place of trial in certain cases as provided by law.

in all other cases has been interpreted to mean 15-7-10 and -20. See Carroll v. Guess, 302 S.C. 175, 177, 394 S.E.2d 707, 708 (1990); Royster Co. v. E. Distrib., Inc., 301 S.C. 18, 20, 389 S.E.2d 863, 864 (1990). The 2005 amendments to 15-7-30 are not applicable to this case. See 15-7-30 (Supp. 2005) (applicable to causes of action arising on or after July 1, 2005).

[8] Although the parties argue otherwise, Ellis is not applicable to the current case. The issue in Ellis was whether three defendants were considered multiple defendants for the purpose of determining venue when three separate actions were consolidated under Rule 42, SCRCP. In this case, the issue is whether venue may be transferred under 15-7-30 when the plaintiffs instituted their actions in a proper venue under 15-78-100(b).

[9] This opinion does not preclude the parties from bringing a subsequent motion pursuant to 15-7-100 to change venue based on the convenience of witnesses and the promotion of justice. Such a motion would be left to the discretion of the lower court. Chestnut v. Reid, 299 S.C. 305, 307, 384 S.E.2d 713, 714 (1989).

Ex. 9

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	**AFFIDAVIT OF WILLIAM CROWE**
[illegible] NIX Plaintiff,	)	
vs.	)	Case No.: 2020-CP-40-06054
CHURCHILL PARK AND CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC. Defendants.	)	

Personally appeared before me, William Crowe, who being duly sworn deposes and states as follows:

1. My name is William Crowe. I am over 18 years of age and a resident of Lexington County South Carolina.

2. I have been an employee of the United States Postal Service for thirty-four (34) years.

3. My primary postal route for the last eight (8) years has included the Meridian building located at 1320 Main St., Columbia, SC 29201.

4. On information and belief, Suite 300 of the Meridian Building is operated by Regus [illegible] offers various business office solutions such as Business Address, Virtual Office and Virtual Office Plus. (Exhibit 1).

5. On information and belief, numerous companies utilize the Regus office address of 1320 Main Street, Suite 300, Columbia, SC 29201 as their company's address.

6. On information and belief, one of the numerous companies which uses Regus's office address of 1320 Main Street, Suite 300, Columbia, SC 29201 as their business address is Cedar Management Group, LLC.

7. Cedar Management Group's business placard is among a number of other company placards which is displayed at the entrance to Suite 300 of the Meridian Building.

8. The Meridian Building has a secure mail room on the first floor which has separate mail containers for each suite in the building.

9. The Meridian building Suite 300 mail container is only accessible by non-U.S. Postal Service workers via the locked access panel on the outside wall of the mail room.

10. On information and belief, possession of the key to the Meridian building Suite 300 mail container is limited to the on-duty Regus Receptionist.

11. On information and belief, the on-duty Regus Receptionist collects mail from the Meridian building Suite 300 mail container for all businesses which use Suite 300 of the Meridian building as their business address and then delivers each of their customers' mail to them.

12. On information and belief, Regus executes a USPS Form 1583 (*Application for Delivery of Mail Through Agent*) for all of their customers who use their Suite 300 address for mail delivery which allows Regus to act as a Commercial Mail Receiving Agency for their customers. A copy of USPS Form 1583 is attached as Exhibit 2.

13. As a standard practice, when the Regus Receptionist is unable to deliver US Postal mail to their customers who utilize the address of 1320 Main Street, Suite 300, Columbia, SC 29201 for mail delivery, the Regus Receptionist marks the mail pieces as undeliverable and returns them to myself or my alternate postal route carrier to be returned to sender as undeliverable.

14. When U.S Postal Service mail requiring signature is delivered to Suite 300 of the Meridian building, the on-duty Regus Receptionist signs for their corporate customers which use Suite 300 as their business address.

15. On information and belief, Cedar Management Group, LLC does not have employees physically located at 1320 Main St., Suite 300, Columbia, SC 29201.

16. I have reviewed the signatures on Return Receipt number 9590 9402 6358 0296 4738 [illegible] which was associated with Certified Letter 7020 1290 0000 0151 3678, copies of which are attached as Exhibit 3, and confirm that the signatures on both the Certified Letter and Return Receipt are mine.

17. I have reviewed the signatures on Return Receipt number 9590 9402 6358 0296 4738 34 which was associated with Certified Letter 7020 1290 0000 0151 3661, copies of which are attached as Exhibit 4, and confirm that the signatures on both the Certified Letter and Return Receipt are mine.

18. I signed for the Certified Letters and Return Receipts represented in Exhibits 3 and 4 on March 15, 2021 under authority given to me by my USPS Management which allowed United States Postal Service Carriers to sign for Certified Letters and Return Receipts during the period of time the COVID19 Pandemic was declared a public health emergency. The intent of this

authorization was to minimize to the greatest degree possible direct contact between USPS Postal Carriers and the general public to limit the spread of COVID19.

19. Prior to the COVID19 Pandemic, as well as currently, when Certified Letters with Return Receipts were mailed to Cedar Management Group at the address of 1320 Main Street, Suite 300, Columbia, SC 29201, the Regus Receptionist located at the entrance of Suite 300 signed for mail sent to Cedar Management Group.

20. During the March 2021 timeframe, the delivery of Certified Letters, including Certified Letters which had Return Receipts affixed to them, addressed to a company located at 1320 Main St., Suite 300, Columbia, SC 29201, utilized the process in which I, or my alternate postal route carrier, signed for the Certified Letter, and if included, the Return Receipt, at the time the Certified Letter was deposited into the Suite 300 mail bin in the secured mail room on the first floor of the Meridian Building

21. When certified mail marked as Restricted Delivery is addressed to a specific individual at the address of 1320 Main St., Suite 300, Columbia, SC 29201, that mail is taken to Suite 300 for signature as required by U.S Postal regulations.

22. I contacted Alan Nix on November 3, 2022 at the request of U.S. Postal Service Management after Mr. Nix spoke with U.S. Postal Service Management on the afternoon of November 2, 2022 inquiring about the signatures on the Return Receipts represented in Exhibits 3 and 4 of this affidavit.

23. My execution of this affidavit is only intended to provide an explanation of the routine manner U.S. Postal Service mail delivery has been managed for Suite 300 of the Meridian building during the last several years and to explain the reason I signed the two Return Receipts represented in Exhibits 3 and 4 on March 15, 2021.

FURTHER AFFIANT SAYETH NAUGHT.

William Crowe

I declare under penalty of perjury that the foregoing is true and correct.

SWORN to before me this

17 day of November 2022.

Jack Dreamwell

Notary Public for South Carolina

My commission expires: 02-18-2026

Ex. 10

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

IN THE PROBATE COURT

EX PARTE:
JEFFREY SCRANTON
(Petitioner/Applicant)

IN THE MATTER OF:
ALAN GREGORY NIX
(A Person Alleged to be Mentally Ill)

NOTICE OF HEARING
APPOINTMENT OF COUNSEL
APPOINTMENT OF GUARDIAN AD LITEM
APPOINTMENT OF DESIGNATED EXAMINERS

NOTICE OF HEARING

TO:Petitioner/Applicant - JEFFREY SCRANTON
Person Alleged to be Mentally Ill - ALAN GREGORY NIX
Counsel of Record - ADAM B. LAMBERT
Guardian Ad Litem - N/A
Designated Examiners - ILIAS NIGAMATOV, MD LAURA WESTBROOK, M.ED.
Other Interested Persons Know to the Court - FRANK NIX

Ex. 10

YOU ARE HEREBY NOTIFIED that, based on the Petition or Application filed in this matter and upon the report of the designated examiner or certificate of a licensed physician following an examination of the above-named person alleged to be mentally ill, finding that the said person is mentally ill, a hearing will be held on the 16th day of March, 2021 at 11:30AM at 222 MCDANIEL AVE., B-16, PICKENS, SC 29671, for the purpose of taking testimony as to the mental condition of said person alleged to be mentally ill, at which time you may appear, testify and within the descretion of the Court, present and cross-examine witnesses and have an opportunity to present to the court any and all relevant and material evidence bearing on this matter, appearing either in person or by counsel.

YOU ARE FURTHER NOTIFIED that the person's detention at N/A, a facility for the mentally ill is based on conclusions and the underlying facts as contained in either the Petition for Judical Admission and Reports of Designated Examiners or the Application for Emergency Admission, the Certificate of Licensed Physicians, a copy of which is attached.

YOU ARE FURTHER NOTIFIED that you have the right to request the names of the designated examiners and such other persons who will be called to testify and the substance of their prosposed testimony.

YOU ARE FURTHER NOTIFIED that it must be proved by the presentation of clear and convincing evidence that said person alleged to be mentally ill is mentally ill, needs treatment and because of his/her condition:

(1) Lacks sufficient insight or capacity to make responsible decisions with respect to his/her treatment; or

(2) There is a likelihood of serious harm to himself/herself or others.

APPOINTMENT OF COUNSEL

IT IS HEREBY ORDERED that ADAM B. LAMBERT, esquire, Attorney of the South Carolina Bar, is hereby appointed as counsel of and for the person alleged to be mentally ill and is hereby charged with all the duties, responsibilities, powers and privileges conferred and made incumbent upon an Attorney at Law in such cases. Provided, however, that should a privately retained counsel be obtained by or for the said person alleged to be mentally ill and this Court is so notified, then, in that event, the aforesaid court-appointed counsel shall be discharged as counsel in this case.

APPOINTMENT OF GUARDIAN AD LITEM

IT IS ORDERED that ADAM B. LAMBERT who is capable of understanding the rights of the person alleged to be mentally ill and who has no interest in conflict with or adverse to the rights of the person alleged to be mentally ill, is hereby appointed Guardian ad Litem of said person alleged to be mentally ill for the purpose of appearing for and acting on behalf of said person in all the proceedings herein, the said Guardian Ad Litem having consented to act as Guardian Ad Litem for said person alleged to be mentally ill for the purpose of the above-entitled action.

EXAMINATION BY TWO DESIGNATED EXAMINERS

IT IS ORDERED that ILIAS NIGAMATOV, MD, a licensed physician and LAURA WESTBROOK, M.ED. shall examine the person alleged to be mentally ill and report without delay to this Court their respective written findings as to the mental condition of said person alleged to be mentally ill and his/her need for treatment.

IT IS SO ORDERED.

Dated this 22nd day of February 2021.

PICKENS

David K. Allen (Seal)
Judge of Probate Court

ORDER OF SUBSTITUTION

The corresponding appointments listed above are hereby rescinded by the following substitute appointments:

Counsel: _____

Guardian Ad Litem: _____

Designated Examiner (Licensed Physician): _____

Designated Examiner: _____

_____ Date

_____ Judge of Probate Court

STATE OF SOUTH CAROLINA

COUNTY OF Pickens

IN THE PROBATE COURT

EX PARTE:

Jeffrey Scranton
Petitioner

PETITION FOR JUDICIAL ADMISSION

(PART I)

FILED
FEB 19 2021
COURT OF PROBATE
PICKENS, SC

IN THE MATTER OF:

Alan Gregory Nix
An Alleged Mentally Ill Person

The undersigned respectfully shows to the Court:

1. Alan Gregory Nix who is presently found or residing at 208 Oakvale Drive (Street or Route) Easley (City) Pickens (County)

South Carolina, is according to the information and belief of the undersigned, mentally ill and because of this condition needs involuntary treatment, and should be so adjudged and treated. The reasons for this belief are as follows:

(Strike either a. or b., whichever is incorrect)

a. That said person has been examined by a Designated Examiner whose certificate is set out within, who states that said person is mentally ill and because of this condition needs involuntary inpatient and/or outpatient treatment.

b. That said person cannot or will not be examined by a Designated Examiner because of the following facts supporting the undersigned's belief that said person is mentally ill and because of this condition needs involuntary inpatient and/or outpatient treatment: (state facts, not mere conclusions).

On 2/12/2021 presented to Pickens Mental Health asking for Person referenced in email to lauren.a.nix3@gmail.com; presentation observed as pressured but controlled; on 2/16/21 Filed Certificate of service related to Defendant's Motion dated 2/15/21 (excluding holidays)

2. That below are set out the names and addresses of those interested in or related to the alleged mentally ill person in need of involuntary treatment, these being his or her:

Spouse _____ (Husband or Wife) Address _____

Legal Guardian _____ Address _____

Nearest Other Relative or Friend _____

Relationship _____ Address _____

3. WHEREFORE, the undersigned Petitioner prays that the Court inquire into the condition of said person and adjudge him or her to be mentally ill and in need of involuntary treatment, and order hospitalization and/or other involuntary treatment for him/her in a South Carolina mental health facility for care and treatment or take such action as may be legally proper.

Dated this 18th day of February, 2021 at Easley Pickens County, South Carolina.

X _____ (Petitioner's Signature)

337 W. Main St Easley SC 29640 (Address)

MHP (Relationship to Alleged Mentally Ill Person)

NOTE: Pursuant to Section 44-17-510, and Section 44-23-10(21), S. C. Code, 1976, as amended, Petitioner must be a parent, guardian, spouse, adult next-of-kin, or nearest friend. If person is presently a patient of a public or private mental facility, Petitioner may be the Director of that facility.

NOTE: This Petition shall be served on the person and his attorney and, if no attorney, then on him and a member of his immediate family.

STATE OF SOUTH CAROLINA

COUNTY OF Pickens

VERIFICATION

Personally appeared before me _____, who being duly sworn says that he/she is the Petitioner above named; that he/she has read the foregoing Petition, the allegations of which are true of his/her own knowledge, except those stated on information and belief, which Petitioner believes to be true based upon the facts stated by Petitioner herein.

Sworn to before me this 18th

day of February 20 21 X _____ Petitioner

Sharon S. Mathis (L.S.)
Notary Public for South Carolina

My Commission expires: 1-10-22

IMPORTANT NOTICE: **All patients receiving treatment in a State Department of Mental Health Facility will be charged the established fee as approved by the South Carolina Mental Health Commission.**

CERTIFICATE OF LICENSED PHYSICIAN OR DESIGNATED EXAMINER

NOTE: A Designated Examiner is defined by Section 44-23-10(7) as A physician duly licensed by the Board of Medical Examiners of this State or a person registered by the Commission as specially qualified, under standards established by it, in the diagnosis of mental or related illnesses

I, the undersigned, do hereby certify that I personally made an examination of _____ on the _____ day of _____, 20 _____, and it is my opinion, based on said examination, that said person is mentally ill and because of that condition needs involuntary inpatient and/or outpatient treatment and that the following facts are set forth as the basis of my opinion: (print or type)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

X _____
Signature and Printed Name of Physician or Designated Examiner

_____
Address

CHURCHILL PARK
c/o Cedar Management Group
PO Box 26844
Charlotte, NC 28221

Phone: 704 – 644 – 8808 Fax: 704 – 509 – 2429

ALAN NIX
1401 Densmore Circle
Mt. Pleasant SC 29466

Dear Property Owner of CHURCHILL PARK,

You recently received your WELCOME PACKET from Cedar Management however it has come to our attention that the incorrect association name was used in our October 16, 2017 introduction letter.

As property owners in the Churchill Park neighborhood, you are aware that the official name of the owner's association is, and has been for 15 years, "CHURCHILL PARK" rather than the Association named in your covenants. Going forward, please make all checks payable to "CHURCHILL PARK" and use "CHURCHILL PARK" in all of your communications with Cedar Management Group.

If you do happen to use the wrong association name from our introduction letter, you need not worry, we will gladly treat that as your intent to mean "CHURCHILL PARK."

Cedar Management Group looks forward to working with Churchill Park and please feel free to contact your Community Manager, Beth McDowell, with any questions or concerns. She may be reached at bmcdowell@mycmg.com.

Kind Regards,

Cedar Management Group, LLC

Cedar Management Group, LLC.
P.O. Box 26844
Charlotte, NC 28221

11/14/17

RCVD
11/16/2017

90 JRDWMP 29466

CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC.
Care of Cedar Management Group, LLC
PO Box 26844
Charlotte, NC 28221

Phone: 704-644-8808 Fax: 704-509-2429

October 16, 2017

ALAN NIX
1401 Densmore Circle
Mt. Pleasant SC 29466

Dear Property Owner of CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC.,

Your volunteer homeowner association board has diligently interviewed a number of management companies in the Charleston surrounding areas, and Cedar Management Group is honored that they have retained our firm as the management company of choice. **Cedar Management Group will assume this responsibility effective November 1, 2017.** As your association is currently in transition with our company, we ask for your patience and understanding while we transfer your association files into our system.It can take up to 30 days to completely gather all of the necessary information, including your account balance, from your previous management company.

Our company has built an award winning reputation on good old fashioned service with integrity and experience. Our homeowner association service matrix helps ensure superior service and response to your needs. Working closely with your board of directors we ensure solid financial management and service. We work with the goals of your community and set forth the best plan of action to meet and exceed those goals.

You have a variety of ways to pay your dues:
1. You can Pay via Check to the address below
2. You can Pay with your online bill pay to the address below
3. You can Pay online at www.mycmg.com with a bank account or credit card for a small fee

For your dues, please make all checks payable to "CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC." and **use the address below for all dues payments.**Make sure you include the address of your property along with a telephone number (if not already provided) to ensure proper credit to your account:

CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC.
C/O Cedar Management Group
P O Box 26844
Charlotte, NC 28221

We have enclosed a contact sheet to update the information of owners in the community. We are asking that you complete the contact sheet and mail back to our offices as quickly as you can.

Your Association Website is web.mycmg.com.
Username: s12890c21
Password: SkJPNH5

We welcome you to the Cedar family. You may notice we use the word family, when it comes to those communities that select us; we think of you just like that. Welcome to a new level of service. Welcome home to Cedar.

Kind Regards,
Cedar Management Group, LLC

Contact Sheet

In order to maintain the best records for CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC., we are asking you to complete this contact sheet
(Please print as neatly as possible) and return to:

CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC.
C/O Cedar Management Group
PO Box 26844 * Charlotte, NC 28221 or
Email: support@mycmg.com * or Fax: 704-509-2429

You are welcome to drop off, mail, fax or scan and email this form back, but we must have this in writing.

Owner Name(s): Please include first and last name: _____

_____

Property Address: _____

Mailing Address: (If you have more than one mailing address, please call 704-644-8808 to help us assist you): _____

_____

Home Telephone Number (if applicable): _____

Work Telephone Number: _____

Cell/Mobile Telephone Number: _____

Fax: _____

E-mail Address: _____

****

In case of Emergency, any special provisions you'd like us to know about?

_____

Emergency Contact Name & Phone Number:

Name:_____ **Phone Number:** _____

****

Vehicle Information: **Owner of Unit:** _____ **Tenant of Unit:** _____

Make:_____ Model:_____ Tag:_____ Color:_____

Make:_____ Model:_____ Tag:_____ Color:_____

****

Pets:

Type & Breed:_____ Weight: _____ Color:_____

Type & Breed:_____ Weight: _____ Color:_____

Type & Breed:_____ Weight: _____ Color:_____

****

Is This Property a Rental Property? Yes_____ No_____

Tenant Name(s): Please include all people living at this address:_____

_____

ACH Draft Authorization Form

Cedar Management Group offers the convenience of Automatic Direct Draft for your association assessments. The Automatic Direct Draft debits your homeowners' association assessments from your bank account. This eliminates the need for you to write checks.

To set up this Automatic Draft, complete the following authorization form and return it to us with a voided check.

*** **Please note:** Forms received without a voided check will be processed using the numbers provided. Bank returns due to incorrect routing or account numbers on the form will be subject to a returned check fee which will be charged to your account.

Please send this form to:
CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC.
Care of Cedar Management Group
PO Box 26844 Charlotte, NC 28221
Email: help@mycmg.com | Fax: (800) 334-0526

The account that you submit below will be charged between the 5th -10th of each billing cycle. This service can be canceled at any time by notifying Cedar Management Group in writing at the above address.

AUTHORIZATION AGREEMENT FOR AUTOMATIC DRAFTS

I hereby authorize Cedar Management Group, Agent for CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC. to initiate debits from my checking account at the financial institution listed below. Dues will be deducted between the 5th and 10th of each billing cycle.

This authority shall remain in full force and effect until Cedar Management Group has received written notification from me of its termination, allowing reasonable time to act on my notification. I also understand that if corrections in the debit amount are necessary, it may involve an adjustment (credit or debit) to my account.

This Authorization is Non-Negotiable and Non-Transferable.

Name of Financial Institution: _____ Branch _____

Routing (ABA) #: _____

Account #: _____

Owner's Name: _____

CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC.

Property Address: _____

Signature: _____ Date: _____

Please include your phone number and email address below:

Phone: _____

Email: _____

Please indicate the month that you would like for your ACH draft to begin: _____

If not otherwise noted, your first draft will begin on the next billing cycle for the association.

Cedar Management Group, LLC.
P.O. Box 26844
Charlotte, NC 28221

U.S. POSTAGE PITNEY BOWES
ZIP 28269 $ 000.45³
02 1W
0001387492 OCT 16. 2017

10/17/17

28269 ZIP
Rcd 20 OCT 2017

90 IRDWNMP 29466

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
JUN 29 2023
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable? George McFaddin

Case No. 2020-CP-40-006054

Appellate Case No. 2023-00781

Alan G. Nix

Appellant,

v.

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

Respondents,

PROOF OF SERVICE

The undersigned certifies that a copy of Appellant Alan Nix's return to motion to dismiss was served upon the individuals listed below by mailing, emailing or hand delivering a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 29th day of June 2023 to:

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

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

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

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

Auto Owners Insurance Co.
c/o Hood Hargett (one of Churchill Park Homeowners' Association, Inc.'s insurance agents
P.O Box 30127
Charlotte, NC 28230

Dated: June 29, 2023

Respectfully submitted,

By: _____

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

29 Jun 2023

RECEIVED
JUN 29 2023
SC Court of Appeals

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

Ms. Jennie Abbott Kitchings' Replacement due to 2022-001155
Clerk of Court's replacement
South Carolina Court of Appeals
1220 Senate St.
Columbia, SC 29201

RE: Alan Nix v Churchill Park Homeowners' Association, Inc. and "Churchill Park"
Case Number: 2020-CP-40-06054
Appellate Case: 2023-00781

Ms. Abbott Kitchings' Replacement and Office of Disciplinary Counsel,

Please find enclosed Appellant's Return to "Churchill Park"'s, McCabe Trotter's and Churchill Park Homeowners' Association's motion to dismiss in the above cited case.

Best regards,

Alan Nix

Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

29 JUNE 2023
C 1604

RECEIVED
JUN 29 2023
SC Court of Appeals

CLERK OF COURT
SC COURT OF APPEALS
1220 SENATE ST.
COLUMBIA, SC 29201