

15 October 2018

Alan Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

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OCT 18 2018

**SC Court of Appeals**

Ms. Jennie Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Churchill Park v Alan G. Nix, et al  
S.C. Appellate Case Number 2018-000056 / 2018-000174  
Response to Clerk of Court removal of Sally Newman, etc from cases listing

Ms. Abbott Kitchings,

Please accept this letter as a return to your letter stating you have removed Ms. Newman from the appellate case listings.

As a background, Ms. Newman of Charleston Legal Access filed a motion to intervene in case number 2014-CP-10-05407 on behalf of the estate of my late wife Norma on 7 August 2017.

On 8 August 2017, after it had become relatively apparent at the hearing on 7 August 2017 that no one in attendance at the 7 August 2017 hearing found it appropriate to properly restore the case in accordance with SCRCP 40(j), I personally paid the \$150 restore fee to the Charleston County Clerk of Court which resulted in case number 2017-CP-10-04031 being created. Given Judge Scarborough had chosen to restore 2014-CP-10-05407 to the active docket on 8 May 2017, the Master in Equity case of 2014-CP-10-05407 continued on in parallel with the properly restored case of 2017-CP-10-04031 from 8 August 2017 forward.

Due to these unique circumstances created by Judge Scarborough's case management decisions, Ms. Newman / Charleston Legal Access represents Norma J. Nix in case 2014-CP-10-05407 and Norma J. Nix and the Estate of Norma J. Nix in case 2017-CP-10-04031.

Hence, Ms. Schreiber's motion to withdraw was not completely accurate from a case number / represented party perspective.

To that end, and given your letter states you did not rule on Ms. Newman's and Ms. Schreiber's motion to withdraw, I am only submitting this letter, instead of an actual motion, to request that you restore Ms. Newman's and Ms. Schreiber's names back to the appellate cases.

I have also included exhibits A and B with this letter. Exhibit A is a copy of Ms. Schreiber's Exhibit A from her motion to withdraw. Exhibit B is a copy of the letter from 12 February 2018

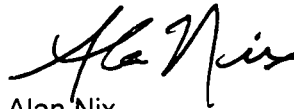
that Ms. Schreiber refers to in the letter she included as Exhibit A to her motion to withdraw. Exhibit B is included for the Court's knowledge as a potential alternative explanation for Charleston Legal Access's assertion that their representation ended previously.

I remain optimistic that Ethan will respond with some level of clarification to these issues as well.

Additionally, please review the Court's attorney listing for the Plaintiff / Respondent beyond Ms. Newman's name. Specifically, Charleston County lists Mr. Musheff and Ms. Trotter as the Plaintiff's / Respondent's attorneys and the Court of Appeals lists Ms. Trotter and Mr. Deason as the Plaintiff's / Respondent's attorneys. Please coordinate with the lower court to properly determine and consistently reflect the correct listing for the Plaintiff's / Respondent's attorneys.

Thank you very much for your assistance and consideration of the requests made in this letter.

Best regards,



Alan Nix

Plaintiff Attorneys:  
Stephanie Trotter, Esq.  
McCabe, Trotter & Beverly, P.C.  
P.O. Box 212609  
Columbia, SC 29221

Todd M. Musheff, Esq.  
Law Offices of Todd M. Musheff  
1121 Park West Blvd., Ste. B 148.  
Mount Pleasant, SC 29466

Judge Scarborough  
Master in Equity, Charleston County  
100 Broad St., Ste. 266  
Charleston, SC 29401

Ethan Nix  
211 Posey Hill Rd.  
Liberty, SC 29657

Sally Newman, Esq.  
Charleston Legal Access  
1630 Meeting Street  
Charleston, SC 29405

Sarah Schreiber  
Charleston Legal Access  
1630 Meeting Street  
Charleston, SC 29405



EXHIBIT A

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OCT 18 2018  
SC Court of Appeals

 CHARLESTON  
LEGAL  
ACCESS

1630 Meeting Street, Suite 106  
Charleston, SC 29405  
Info@charlestonlegalaccess.org  
(843) 640-5980

February 21, 2018

Via USPS

Ethan Nix  
211 Posey Hill Road  
Liberty, SC 29657

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OCT 18 2018  
SC Court of Appeals

Dear Ethan,

I am writing to confirm that CLA's representation of you is now concluded. We will not be conducting any additional work on your case and are closing your file. It is our understanding that Alan has filed an appeal with the South Carolina Court of Appeals, and we will not be representing you in those proceedings or any further proceedings in this matter. Unless we hear from you otherwise, the file on this matter will be disposed of based on CLA's regular schedule.

I have enclosed two letters that we recently received from Alan. The first is a letter to Todd Huss at South State Bank, on which we were copied. The second is a letter directed to you. We have not and will not be preparing a response to either letter.

It has been a pleasure representing you. If you need any legal assistance in the future, please don't hesitate to call.

Best,



Sarah Schreiber  
Staff Attorney  
(843) 640-5980 ext. 6  
[sarah@charlestonlegalaccess.org](mailto:sarah@charlestonlegalaccess.org)

# Exhibit

**B**

12 February 2018

Alan Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

Ethan Nix  
211 Posey Hill Rd.  
Liberty, SC 29657

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OCT 18 2018

**SC Court of Appeals**

Re: Questions of Personal Representative of Estate of Norma J. Nix regarding legal representation decisions for 2014-CP-10-05407 and 2017-CP-10004031

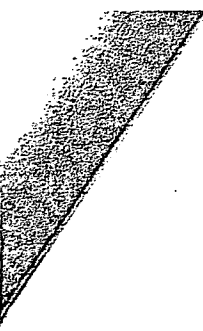
Ethan,

As the Personal Representative of your mom's estate, I would appreciate a response from you related to several questions I have about the legal representation of the Estate in the civil foreclosure cases, 2014-CP-10-05407 and 2017-CP-10-04031.

As you are answering these questions, please bear in mind that the estate you represent, of which it is my understanding Ms. Newman is your attorney and legally representing you and the estate in these matters, is one which is currently believed and anticipated belongs 50% to me, 25% to you and 25% to your sister Lauren. As of this point in time, just in terms of the family home which is the subject of the above two cases, I would estimate that those percentages break down to approximately \$45,000 for my share and \$23,000 each for yours and Lauren's share.

1. Please explain how your attorney was apparently not aware that your mom was in default related to case 2014-CP-10-05407 until sometime late evening on 25 September 2017.
2. Please explain your attorney's apparent confusion about the legal differentiation between the Person of the Estate of Norma J Nix and the Person of your Mom, Norma J Nix.
3. Please explain why your attorney did not apparently ask for any additional discovery from opposing counsel post what was originally provided in May 2015, though the motion she filed on 7 Aug 2017 under case 2014-CP-10-05407, and granted by Judge Scarborough on 11 Aug 2017 under case 2017-CP-10-04031, specifically sought the right to do so.
4. Please explain why your attorney did not file an Answer to the lawsuit for your mom's estate despite the motion to intervene she filed on 7 Aug 2017 under case 2014-CP-10-05407, and granted by Judge Scarborough on 11 Aug 2017 under case 2017-CP-10-04031, specifically sought the right to do so.
5. Please explain why your attorney did not file any post "trial" or "hearing" Rule 59, 60 or other applicable motion.
6. Please explain the basis your attorney utilized to determine that the Plaintiff in this case had successfully proven their case before she began to present her case on 26 Sept. 2017.
7. Please explain why your attorney did not apparently begin preparing for trial until approximately four days before trial

8. Please explain why your attorney chose to present her Motion for Summary Judgement on 18 Sept 2017 when she was made aware before presenting it that she would not be granted the motion due to the belief stated by Plaintiff's attorney that she had no standing to present the motion based on you not officially being the PR at that time.
9. Please explain why your attorney did not request a continuance or 40(j) on 18 Sept if she was not prepared to go to trial in less than 11 days.
10. Please explain why your attorney did not call any witnesses to the trial other than me. Please explain why she chose not to call the other witness she referred to at the roster hearing on 18 Sept 2017.
11. Please explain why your attorney did not chose to file an appeal for the cases once it was obvious there were many basic mistakes by the Court related to both the Court's conduct prior to and during the "hearing" or "trial" as well as with the Final Order and other orders denying all defendant motion with the exception to intervene, granted 11 Aug 2017.
12. Please explain why your attorney felt so confident that Judge Scarborough was a good and fair judge on 28 July 2017. Please explain if that remains your attorneys position and if that is also your assessment.
13. Please explain why your attorney did not present the evidence she had prepared for the "hearing" or "trial" related to numerous accounting inconsistencies of the Plaintiff / Plaintiff's agents, plaintiffs agents subcontractors, etc.
14. Please explain why your attorney did not object to Plaintiff's exhibit 10 from being introduced or after trial when she was made aware that it was not of public record, as was alleged during the apparent introduction of such during trial.
15. Please explain how your attorney determined the validity of Plaintiff's exhibit 4. If she did not determine conclusively it was valid, explain why she did not object to the validity and apparent introduction of such.
16. Please explain how your attorney determined the validation of Plaintiff's exhibit 3. If she did not determine conclusively it was valid, explain why she did not object to the validity of such.
17. Please explain when, how or if your attorney has been able to reconcile the charges between the various exhibits from trial , the previous exhibits provided during original discovery from May 2015 and any other accounting information she may have access to or in her control.
18. Please explain why your attorney did not object to a number of the opposing attorneys legal fee charges. For instance, but by far not the only highly questionable charge, why did your attorney believe it was proper for opposing counsel to obviously double bill us on 15 May 2017?
19. Please explain how or if your attorney has raised any questions or concerns with the Plaintiff, Plaintiff's agents and or Plaintiff's agents subcontractors potentially engaging in conduct that could be considered fraud, either directly or in terms of fraud upon the Court.
20. Please explain your attorneys apparent confusion between SCRCP Rule 24 and Rule 25 as it applies to these cases and the Persons she represents.
21. Please explain why your attorney was, and apparently remains, so confident that an appeal or any post-trial motions was so utterly a waste of time and money.
22. Please explain, to the best of your ability, yours and your attorneys case / trial strategy at these five specific timeframes. 1) 7 Aug 2017 2) 9 Sept 2017 3) 18 Sept 2017 4) 20 Sept 2017 5) 25 Sept 2017
23. Please explain, in detail, your position on 22 Sept 2017 (to accept, deny, or accept with modifications) related to the proposed Consent Order Mr. Musheff provided on 22 Sept 2017.
24. Please explain why your attorney did not find the documents provided to her by me in November from Mr. Barr, attorney for Churchill Park Homeowners' Association Inc., and also Pier Pointe Co-council of Owners, Inc. , a basis for any follow up, post trial motions, etc.

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25. Related to the same documents referenced in number 22, please explain why your attorney did not subpoena Mr. Barr for the same documents prior to trial.
  26. Related to the same documents referenced in number 22, please explain why your attorney apparently did not judge these documents, the lack of production of these documents, as fraud by the Plaintiff, the Plaintiff's agents, or the Plaintiff's agents subcontractors.
  27. Please explain why your attorney apparently accepted as proper the Master in Equity court's operating under a case not properly restored for over three months, including : 1) scheduling and holding a status conference on 7 Aug 2017, which she attended 2) scheduling and holding a "hearing" or "trial" on 26 Sept 2017 3) adding the new case 2017-CP-10-04031 to the roster hearing docket the very morning of the roster hearing docket 4) scheduling the new case 2017-CP-10-04031 for trial less than 45 days after it was filed and less than eight days "trial" or "hearing".
  28. Please explain if you or your attorney signed any agreement to have either case go to trial in less than 120 days after the last party was added to the lawsuit.
  29. Please explain your attorney's explanation to you as to how two cases covering the same case, can be active, running concurrently and heard concurrently. Please explain in both a practical manner and cite legal precedent and applicable rules of civil procedure as to how you and/or you attorney believe this scenario can legally / procedurally / legitimately occur.

Ethan, I want to ensure you are aware that this list is not intended to be construed to be the complete list of questions and concerns I have related to you and your attorneys defense of your mom and your mom's estate related to these cases. Please provide a written explanation as requested as soon as possible, but post marked no later than 21 Feb 2017.

Also, and I am fairly confident Sally has already told you to do so, but as one of the fiduciaries related to this matter, preserve all information, in any format, to include digital, physical, documents, etc., as there is a very high likelihood this evidence will be either request in the future via Discovery requests or compelled via a subpoena.

Best regards,

Alan Nix

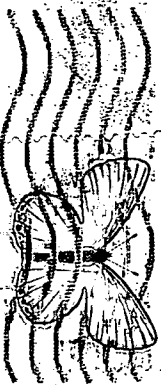
cc.

Sally Newman  
Charleston Legal Access  
1630 Meeting Street,  
Charleston, SC 29405

1401 DOWNSHORE CIRCLE  
MT. PLEASANT, SC 29442

CHARLESTON SC 294

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MS. TERRY ABBOTT KREWEWSC COURT OF APPEALS  
CLERK OF COURT  
SOUTH CAROLINA COURT OF APPEALS  
P.O. Box 11629

COLUMBIA, SC 29211-1629

