

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

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

Mikell R. Scarborough, Master in Equity

**Case No. 2014-CP-10-05407
2017-CP-10-04031**

RECEIVED
MAY 15 2019
SC Court of Appeals

Churchill Park, Respondent

v.

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

Of which Alan G. Nix is the Appellant

**Appellate Case Number 2018-000056 &
2018-000174**

APPELLANT'S RETURN TO RESPONDENT'S RETURN MAILED 1 APRIL 2019

Once again this isn't going to be very formal so where appropriate please accept my apologies. I have some more important things I have to get done soon, as some may have gleaned from the motion sent to Ms. Armstrong last Friday, and which the Court of Appeals was copied on. Having said that, the intent of this response is to address most, if not all of McCabe Trotter's comments from 1 April 2019 and then maybe help the Court with two higher level, but I believe, key issues related to these cases while the court continues to consider doing the right and prudent thing. I would characterize these two higher level issues in the categories of: 1) Standing and 2) judicial / attorney / government / law enforcement / developer / declarant /

“professional property manager”, etc. coordinated misconduct. Having said that, obviously the Court has apparently reviewed the lower court’s files previously and also has a copy of the Rule 60(b) motions submitted on 9 and 13 November 2018, in cases 2017-CP-10-04031 and 2014-CP-10-05407 respectively. So, clearly, there are MANY “alleged reversible errors” as Ms. Trotter conveniently describes her and Musheff’s and Judge Scarborough’s problems in her return. To keep this simple, as I stated was my intent above, I am just going to address Ms. Trotter’s comments in a numbered fashion so I can get onto a slightly more comprehensive articulation of the two major categories listed above, which I hope to be able to weave into a bit of a story that demonstrates some of the original problems.

I will certainly file a copy of the Federal complaint with this court once it is complete and filed, which will put a lot more “meat on the bones” of this broad, long term pattern of coordinated misconduct. Hopefully the court can wait that long. Obviously I am just a sole indigent pro se person and don’t have any extra money, time, or sanity to do a lot more on this for the next few weeks. I know how hard this will probably be for all of Ms. Trotter’s clients, apparent clients, clients associates, etc. but maybe they will find it proper to wait just a little bit longer. After all, even if it is another five weeks total, that is only 0.016026 of the total time this fiasco has been going on and less than 0.1666666666667 of the time that Judge Scarborough failed to make good on his promise to sale my family’s home sometime between November 2017 and January 2018 and when he finally got around to actually filing an order, if that was actually even required, to attempt to make good on his promise. Meaning, in the grand scheme of things, a few more weeks really isn’t that long to wait, especially what that Federal story is expected to allege.

So, as to a quick pass at responding to Mr. Trotter.

1. Page 2, 1st paragraph, Next to last sentence that starts with “Instead, Appellant proceeded” COMMENT: The majority of the motions were to remand the case or cases to the lower court to hear Rule 60(b) motions which the court denied multiple times for a variety of reasons. The Court’s restoration of the case(s) and following numerous denials to remand to the lower court are expected to addressed in future legal filings. The third notice of appeal was required due to apparently intentional

abnormalities with the Charleston County Clerk of Court's office, likewise which is expected to be addressed in future legal filings.

2. The Appellant has raised issues with the transcripts of these cases NUMEROUS times since July 2017 and has been the basis for motions to remand to the case to the lower court more than once. Additionally, Ms. Smith, Charleston County and Sandlapper reporting have been in possession of the original transcripts of these proceedings since late August 2018 because I intentionally returned them to Ms. Smith at the Master in Equity's office to ensure these issues were properly raised and dealt with appropriately. Given Charleston County's refusal to properly deal with this situation, as well as Ms. Smith's, Sandlapper Reporting and Court Administration, Appellant is fairly sure at least several of the issues raised can only at this time be construed as intentional inaccuracies. Charleston County, Ms. Smith and Sandlapper Reporting are expected to be named parties in future litigation related to these issues.
3. Page 2, paragraph 2. I believe the Court and some others are aware of the basic inaccuracy of Ms. Trotter's assertion.
4. Page 2, paragraph 2, sentence 3. I will do the court a favor and not speak to this right now.
5. Page 2, paragraph 2, sentence 4 that reads in part "The court denied Appellant's motion and warned" I have no record of an order from the court of appeals denying my motion of January 11, 2019, I assume that when Ms. Trotter states "The court denied Appellant's motion" Ms. Trotter is referring to Ms. Allen's letter dated 13 March 2019 where she says that the court does not plan on taking any more action on the motion. I think I was pretty clear on this in my motion of 23 March 2019, but to be clear, I don't think Ms. Allen's letter is an order. I don't think Ms. Allen's letter is something that can be appealed to the Supreme Court if necessary. I'm not sure, but I have serious doubt's if denying my motion of 11 January 2019 is within Ms. Allen's capabilities as Deputy Clerk of Court. Even if any or all of that is true, this is 9 April 2019 and I have not received any response whatsoever from Ms. Allen or her manager Ms. Kitchings asserting that her letter dated 13 March 2019 was an order or that they in their capacity as clerk of court / deputy clerk of court had the capacity to

issue such an order. At this point, it appears Ms. Allen's letter communicating the threat to dismiss was sent for a questionable purpose but I certainly don't want to improperly assume what Ms. Allen's intentions were so hopefully she will willingly respond and clarify her intentions in very short order.

6. Last paragraph of page 2 and top of page 3. Thank god Ms. Trotter has access to West Law or Fastcase or whatever. Just as soon as I have time to deal with this fraud and corruption situation and the other fraud and corruption situation in the Upstate somewhere and/or Greenville, I plan to do even more to help Judge Scarborough to eventually be able to justify his characterization of me as a vexatious litigant on 27 Aug 2018 by filing a discrimination case(s) against all of those companies because they restrict access to their systems and software to only attorneys. BUT, related to this specific issue Ms. Trotter appears to want to raise, do we really have to cite any authority to raise the issue of an order that shows no sign of being filed? Isn't that a pretty simple issue? If not, I'm sure Ms. Trotter and Mr. McCabe and all of their associates can come back and cite some authority as to why the stamp doesn't make a difference any ways and then we can just do away with the requirement to stamp any legal filings to make them effective or properly filed or whatever and that should help save the State some employee costs in the future.
7. Page 3, paragraph 2, sentences 4 and 5. So it appears Ms. Trotter has brushed up on her appellate rules a bit but she, as almost always, has overlooked the obvious logical flaw in the situation. For these rules to make a difference at all, would mean that Ms. Allen's letter dated 13 March 2019 was actually an order denying my motion dated 11 Jan 2019. I may be confused but I feel pretty confident that Ms. Allen's letter dated 13 March 2019 WAS NOT an order. Additionally, I'm more than 50% sure that Ms. Allen and Ms. Kitchings could not issue an order denying my motion of 11 Jan 2019. SO, like I said in my motion of 23 March 2019, I fully expect an actual order from a judge on the court of appeals addressing my motion of 11 Jan 2019 to be filed. After that occurs, maybe Ms. Trotter and her associates can logically argue some of these things. (to lighten things up just a little bit, this whole thing reminds me of a quote I heard from Carl Sandburg *"If the facts are against you, argue the*

law. *If the law is against you, argue the facts. If the law and the facts are against you, pound the table and yell like hell.*")

8. Just skipping ahead a bit to avoid having to deal with all of Ms. Trotter and her associates stuff, Page 3, paragraph 3 in general. Perhaps what Judge Lochemey and his court of appeals does is not the real issue at this point, just as long as they are comfortable with how whatever they do will play out longer term. Now, to be fair, I have had a bit of a change of heart since 23 March 2019, I'm like 87% sure Judge Lochemey will be a named party along with Judge Scarborough and Ms. Smith, etc. within the month. If Ms. Allen and Ms. Kitchings don't respond very soon related to their 13 Mar 2019 letter, which once again I'm fairly sure was not an order, there is a pretty high chance their names will on that filing too along with Judge Scarborough and Judge Lochemey, etc. If Ms. Allen doesn't produce some documentation that she was acting as Judge Lochemey's legal representative related to her Canon 3 response, apparently on his behalf, dated 13 March 2013, that is probably another strike. For some reason I feel crazily certain that Ms. Allen and Ms. Kitching, and Judge Lochemey and at least a couple of others know at least a few of items I may have had in mind when I mailed my Canon 3 request of Judge Lochemey. And, here it is 9 April 2019 and still no response related to that request, which I think I did a pretty good job of tempering my approach as much as possible once I realized there was a more rule oriented ways of requesting Judge Lochemey to disclose any communications he may have had related to certain things.
9. Page 4, paragraph 1, more on his later but lets just take the apparent transcript of 21 March 2016 as an example. It has been known to be **ALMOST COMPLETELY INACCURATE, IF NOT COMPETELY INACCURATE**, at least by me, since July 2017. Given the significance of this transcript since it is the **ONLY** thing that **REMOTELY** justifies Judge Scarborough's almost certainly fraudulent order of 21 March 2016, it is **HIGHLY MATERIAL** to many aspects of these cases, and will be a central aspect of future legal filings. Additionally, I'm pretty sure I mentioned the almost certain inaccuracy in Ms. Smith's transcript of 26 Sept 2017 that the two of what should have been well over 40 witnesses were not actually sworn in as is required. Since Ms, Smith stated on 27 Aug 2019 that the Charleston County

Attorneys had instructed her not to speak with me, almost certainly due to this concern which I raised about 10 days earlier, it seems like the problem is more likely than not an actual serious issue instead of just a little minor thing. For instance, if there wasn't any actually sworn in witnesses, all two us, and then more than just a little of the "evidence" is of substantially questionable legitimacy, some of which is almost certainly intentionally fraudulent, then Judge Scarborough's court room is exactly what I think it is. BUT, to pacify Ms. Trotter and her associates as much as possible for the moment, they and the courts can rest assured all of their apparent questions will be answered in the litigation to be filed within the month.

10. Page 4, well like I said, as a lowly Pro Se type of person, I don't have access to all of those fancy websites like fast law or west law or whatever, so I can't find all of Ms. Trotter's and her associates legal citations all that easily, BUT, I read somewhere that retired Supreme Court Justice Jean Toal said that standing could be raised at any point during litigation, including on appeal. I'm sure if I really need to find that I can but I suspect most of the judges and attorneys on here can find it too, especially the ones at the court of appeals. Anyways, one of the reasons I submitted that motion for declaratory judgment was just to give the SC Judicial System a kind of graceful way out of this mess. Now, I don't want for anyone to incorrectly infer from that that I do not totally still intend to deal as aggressively as possible with the judicial corruption in Charleston County, but if it is true that Judge Toal indicated the standing could be raised for the first time on appeal, and in this case it was also raised initially as well, and the motion for Declaratory Judgement goes directly toward standing, then logically speaking, I think Ms. Trotter and her associates' arguments mostly fall back into the Carl Sandburg saying arena.

11. Page 5, paragraph 1, Actually this response is more like an alternate argument. Let's assume that the court's time has been and still is better served by doing something that kind of resembles their responsibilities under the Rules of Professional Conduct and Judicial Canons than continuing to force this lowly and indigent Pro Se soul to continue toiling through the appellate process. And since it appears at least Judge Lochemy has reviewed Judge Scarborough's records previously, and he has been an attorney and judge for a long time, then he must have seen most of Judge

Scarborough's misconduct almost instantly, since this lowly and now indigent pro se litigant even figured it out for the most part over a year ago, and not only did I not know anything about the rules of civil procedure etc. until less than two years ago, I also still believed all of the propaganda I was taught in school about how the judicial system worked, which means I was at a serious disadvantage and even given all of those disadvantages, I figured it out by like Oct 2017, in reality in less than six months of messing with this legal stuff. So, if Judge Lochemy has been a judge and an attorney such a long time, and he reviewed Judge Scarborough's records and conduct last year, then doesn't it stand to reason that he must have reported such misconduct to someone to investigate or taken some type of action himself? Isn't that how it's supposed to work in a profession that is capable of self-governing itself?

Now, for story time related back to those two categories of standing and judicial / attorney / government / law enforcement / developer / declarant / "professional property manager", etc. coordinated misconduct which should help at least establish that I have a few legitimate issues, which I'm pretty sure Ms. Trotter and Mr. McCabe and their associates have known since like way before April 2013 that I and a lot of other people have some legitimate issues.

To that end, lets start with Ex. B, Ms. Trotter's and Mr. Ridlehover's infamous "Assignment of Lien and Foreclosure Rights" filed with the Charleston County RMC on 29 April 2013. It isn't hard to note the corporate name on pages 1, 4, and 16....it is "Churchill Park Homeowners' Association, Inc.". Now, let's take a look at Ex. F, Ms. Trotter and Mr. McCabe's lien against my family's home filed less than a month later. It's pretty simple to see that name is not Park West Master Association, Inc. nor Churchill Park Homeowners' Association, Inc. right? Now to the untrained eye, it would be pretty easy to conclude that "Churchill Park" as Ms. Trotter and Mr. McCabe used on the lien is just a couple of attorneys being lazy and sloppy wouldn't it? Look specifically at that line that says "Churchill Park is entitled to these sums pursuant to the governing documents for this community" BUT, if you look at Ex. C, a foreclosure suit filed by McCabe Trotter against one of my esteemed neighborhood leaders, you will note that the Plaintiff is not "Churchill Park" nor "Churchill Park Homeowners' Association, Inc.", but exactly what Mr. Ridlehover and Ms. Trotter put in their

infamous "Assignment of Lien and Foreclosure Rights", Ex. B, "Park West Master Association, Inc." And, if everyone will follow with me to the second page, 3rd paragraph of McCabe Trotter's foreclosure lawsuit against Mr. and Ms. Thornton, (Ex. C), you will note that McCabe Trotter found it proper to point out where they and Mr. Riddlehover / Southern Community Services had filed their infamous Assignment of Lien and Foreclosure Rights" (Ex. B) with the Charleston County RMC on 29 April 2013 in Book 0326, Page 993. That was polite and helpful of them wasn't it? BUT, if you now look at Ex. D, McCabe Trotter's foreclosure lawsuit against my family's home, you will note that the Plaintiff is not Park West Master Association, Inc. nor Churchill Park Homeowners' Association, Inc., but "Churchill Park". Now follow with me to page 2, the 3rd paragraph of McCabe Trotter's foreclosure lawsuit against Norma's and my family's home. I know I am blind but during the last three plus years, no matter how many times I have looked at this foreclosure lawsuit against my and Norma's family's home, I just haven't been able to find that same little note about Book 0326, Page 993. Matters of a fact, and don't quote me here just yet, but I haven't found a single other foreclosure lawsuit McCabe Trotter filed against someone's home in the in the twelve Park West neighborhoods or subdivisions or whatever they are that didn't mention that whole Book 0326, Page 993 thing just yet.

Now here is where it gets real interesting folks, so hold on for to your hats and glasses and get a load of this. Not only does McCabe Trotter's foreclosure suit against mine and Norma's family's home have a plaintiff of "Churchill Park", which to be honest Judge Gergel and I both apparently got confused and thought that was the name of my neighborhood, BUT it is actually a corporation incorporated with the SC Secretary of State on 31 July 2003!!!! How cool is that ladies and gentlemen, someone was so creative and efficient that they named a corporation after our humble little neighborhood!!! (Ex. I) So, at least so I don't get confused again, let's call the neighborhood or subdivision or whatever it is "Churchill Park" and the neighborhood corporation or association or whatever it is "Churchill 2003". Now, to make things even more interesting, wait for it... just a couple of weeks after someone paid such a great tribute to our humble little neighborhood or subdivision or whatever it actually is, by naming a corporation after it, like exactly after it, then, I guess so they would feel like they accomplished something by creating a company with the exact same name as our humble little neighborhood, they went and deeded our Community property to Churchill Park Homeowners'

Association, Inc., and used the new company's name and address (Churchill 2003) on page 3 of the deed. (Ex. H). Pretty neat trick huh?1?1. Well, lets get back to the story folks. Now, guess what, not only were Norma and I and our family so special that McCabe Trotter and their associates filed a lien and foreclosure and lis pendens against our humble little family's home, we were SO special that we are literally the ONLY family so special that McCabe Trotter and their associates and apparent clients "Churchill 2003" has ever filed a foreclosure lawsuit against!!!

So, because I actually used to have a life and career, and I stupidly still believed all of the propaganda about the judicial system we normal people have been taught in school all of our lives to believe, I hired an attorney to defend me against McCabe Trotter and their associates and apparent client Churchill 2003 foreclosure lawsuit in early December 2014. And since I paid him good money and, like I said I had a life and career that kept me VERY busy, I trusted him to defend the lawsuit. But, to keep it short and not do anything improper right now, let's just say that was a mistake. So, once again because I had hired an attorney and had a life and a very busy career, I left it to my apparent attorney to handle this foreclosure lawsuit from December 2014 until December 2015. Since that didn't work out as all of the legal industry's propaganda advertise it does, Ms. McSweeney had to file a motion to compel us to answer their discovery request in September 2015. Because of the Great Flood of October 2015, the original motion hearing for that got postponed and wasn't heard until 1 December 2015. And because my apparent attorney acted pretty much like most of the legal industry actually works, unless of course you are rich and / or famous and/or politically connected, all he got me at the 1 December 2015 motion hearing (that I knew about at the time) was the opportunity to do everything over what little of my short Christmas and New Year's break that I had that he hadn't remotely done in the last year. Still with me? This is where it starts getting a lot more interesting so wake up and pay attention....

Now, after a very quick celebration of Christmas, Norma and I had to start doing all the work that my attorney hadn't done in the last year, including literally having to learn a fair bit of what he had apparently learned during law school just to figure out what information we needed and where to get it from before we actually started getting the information to start putting the pieces of the puzzle together. Well, after working pretty much non stop, including literally all night January 3, 2016 into the morning of January 4th, we had got enough information to figure

out that "Churchill Park" wasn't only the name of our humble little neighborhood, but also the name of Plaintiff that was apparently McCabe Trotter's client, and not the name of the name in the Declaration of Covenants and Restrictions that Mr. Dodds listed on the deed to our humble little family home back in July 2001. So, without knowing it at the time, Norma and I spent our last New Year's together not spending what little time we even normally had with our children, but doing the work that my attorney had not done in the previous year to figure out that Mr. McCabe and Ms. Trotter, along with their actual clients / associates (notice not their apparent clients) had knowingly started a foreclosure procedure against our family's home in the wrong Plaintiff's name as well as had knowingly filed a lien against our family's home in the wrong Plaintiff's name. So, after literally working all night and half the day on January 4, 2016 to put together all of the pieces of information we had found, which I would assert a relatively capable attorney with basic knowledge of public information systems could have done in like a day or so at most, Norma and I figured out it was just one big FRAUD, which Mr. McCabe and Ms. Trotter and Ms. McSweeney had apparently been very comfortable participating in for at least the last 19 months.

All of a sudden a few days later, after they had received my responses to their motion to compel, Ms. Trotter and Mr. McCabe and Ms. McSweeney and their actual clients seemed to lose all of their previous sense of urgency and enthusiasm they had apparently had for the last 19 months to foreclose on my family's home. Matters of a fact, I don't think I heard anything at all from them again for another two months or more!!!! Now, since like I said a few times previously, since I had paid an attorney to represent me, and I had a life, and I had a really busy business schedule, once I did what I had to do on 4 January 2016, which of course my attorney hadn't done for the previous year, I went back to my life and business travel and business schedule etc. And since I didn't know much about this law stuff, I was just waiting on the next thing I had to do to prevent the next crisis. Well, then 4 March 2016 rolls around and I find out that Ms. Dukes Beck had called our precious little foreclosure case to trial in April, and something called a roster meeting was scheduled for 21 March 2016.

And then BOOM, all of a sudden I find out on 22 March 2016 the great news that our precious little foreclosure case won't be going to trial in April after all!!! So, lets say this again in a little more concise fashion just so everyone is still with me, Mr. McCabe and Ms. McSweeney and Ms. Trotter and their associates and actual clients were all hot and heavy to get

this foreclosure done all the way up to like 5 or 6 January 2016, and then nothing at all for two plus months, and then BOOM, by 22 March 2016, it isn't going to trial in April!!!

Well, here is where it gets even more interesting ladies and gentlemen, it wasn't just not going to trial in April 2016 so Mr. McCabe and Ms. Trotter and Ms. McSweeney and their associates and actual clients could get their greedy little corrupt hands on my family's home and kick us out onto the street and take the majority of our family's assets, Judge Scarborough entered some funny little order striking the case / ending the case for something called 40(j)? (Ex. L) This was apparently a good thing because now we could do all these cool things like informally mediate this thing or maybe formally mediate this thing or maybe even do some type of formal arbitration whatever that was. Apparently we could and apparently should do apparently literally anything except to take it to trial, and especially a jury trial apparently!!!

Ok, I know, this has been almost like too much excitement for one sitting, so let me wrap the first big part of this saga up for all of y'all so I can make good on categorizing all of this into two major categories, 1. Standing, and 2) judicial / attorney / government / law enforcement / developer / declarant / "professional property manager", etc. coordinated misconduct.

So, for that little standing thing, remember, Mr. McCabe's and Ms. Trotter's and Ms. McSweeney and their actual client and their associates filed that lien AND the foreclosure suit in the name of a plaintiff called "Churchill Park", which I will remind you is not only the name of our humble little neighborhood, but also ironically the name of the corporation that the still unnamed developer created in July 2003, which is exactly two years after Norma and I bought our home in July 2001. So, the plaintiff Churchill 2003 clearly wasn't the actual real party in interest which is referenced at least two times in the Declaration of Protective Covenants for Churchill Park and the attached Bylaws of Churchill Park Homeowner's Association, Inc. (Ex. A). (Actually, CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC. looks like this on the page marked Book S340, Page 633, so it's kind of hard to miss if you look very much) And clearly Ms. Trotter and Mr. McCabe totally knew that since they are the same people that kind of notarized and filed that whole Assignment of Lien and Foreclosure Rights (Ex. B) which clearly says Churchill Park Homeowners' Association, Inc. at least four times in the document and which they filed less than a month before they apparently found it proper to file a lien in the name of Churchill 2003.

Now, obviously some of that stuff in the above paragraph also goes directly to category 2, judicial / attorney / government / law enforcement / developer / declarant / "professional property manager", etc. coordinated misconduct. But the part that I really want to point out here is that little order of Judge Scarborough's dated 21 March 2016 and filed 23 March 2016 (Ex. L) which has that "Action Stricken" box checked and the case is ended check box checked, and the reason box checked that says "Rule 40(j), and curiously nothing else except for Judge Scarborough's signature and judge number. Now, I know this is a bit boring to most attorney types apparently, but to me, it seems to very clearly and properly fit into category 2. Now, I need to remind you that I'm not an attorney, wasn't an attorney in March / April 2016 and still believed all of the propaganda about unbiased ethical judges and such nonsense. But after a little while, I decided to google that weird 40j thing and BOOM, it appeared that things may not have been quite as good as I had been led to believe about the case not going to trial during the next couple of months BECAUSE, it turns out that just because I was a simpleton sucker, I still had the basic reading and comprehension skills of a 6th grader. So, once I took more time out of my actual life and work and business travel schedule, etc. to google 40j, it turns out several key things were obviously missing. For example, no matter how many times you read Judge Scarborough's "40j" order dismissing case 2014-CP-10-05407 that he apparently found it proper to file on 23 March 2016, you, or at least me, just can't seem to find anything that seems to indicate that "*all parties adverse to the claim, counterclaim, cross-claim or third party claim agreed in writing that it may be stricken*". See where I'm coming from ladies and gentlemen? So, it appears that since Mr. Trotter and Ms. McCabe and Ms. McSweeney had bet the farm on selling their and their associates and actual client's fraudulent lien and foreclosure suit, and when it blew up on them in early January 2016, due to all of Norma's and mine's work during our last New Years' together to do the job that I had paid my attorney to do during the last year, they only really had one of four options that I have been able to identify.

1. They could just do what most of us teach our children and admit that they were knowing parties to a fraud and knowingly sued Norma and I in the wrong parties name in an attempt to take our family's home and most of our assets. BUT, obviously that would mean they were ethical and moral and had a conscience, which now we all know, or at least I now know, and try to tell everyone I can too, that very very few attorneys are ethical, moral or have something that resembles a

functioning conscious. Consequently, it appears safe to assume that option one, if it ever crossed their minds, didn't get a second thought.

2. Option two is they could file a Rule 41(a) dismissal even though I had already filed an answer in their fraudulent foreclosure lawsuit and hope no one would notice or say anything. BUT, they had already used that trick at least once before and had to get another judge to cover for them on that trick once an attorney pointed out the issue. Consequently, that appears not to have been a viable stunt again in such close proximity to the first time they used that little trick.
3. Option three is they could have just somehow worked with my attorney and/or the judge to do a rule 41(b) dismissal because they were not properly pursuing the case but that must have had some downsides they didn't much like.
4. SO, it appears option four is what they decided to pursue, which was to get Judge Scarborough to file a bogus Form 4 citing a 40(j) reason to dismiss case 2014-CP-10-05407 even though not a scintilla of anything that even remotely looks like a real 40(j) dismissal has ever existed. Remember, those little details like "*all parties adverse*" and "*in writing*"? So I think all of us who have at least a 6th grade level reading and comprehension capability can read rule 40(j) a time or two and then look at Judge Scarborough's Form 4 he somehow found proper to file on 23 March 2016 (Ex. L and pretty safely file it neatly away in category two, judicial / attorney / government / law enforcement / developer / declarant / "professional property manager", etc. coordinated misconduct.

Now, to keep the timeline pretty clear for everyone, there was a Roster Meeting scheduled for case 2014-CP-10-05407 on 21 March 2016. Doesn't appear that remotely matters but just so we are on the same page. Then on 23 March 2016 Judge Scarborough apparently found it proper to file the bogus Form 4 order ending case 2014-CP-10-05407 for something that he apparently found it proper to call 40(j). WELL, right slab dab in the middle of these two days, Mr. Riccoboni and LPPM mailed Ex. N out to our humble little Neighborhood. Now, ladies and gentlemen, if you look closely, you will see a company called "Churchill at Park West Association, Inc" at the top of page one. Then right below that you will see "Churchill Property Owners Association" and then at the top of page two you will see "Churchill Park at Park West Association, Inc." and right below that you will see "Churchill Park Property Owners

Association” and then about 2/3 the way down page two you will see that it says to make “All POA payments” to “Churchill Park at Park West Association, Inc”.

Now, a few interesting facts ladies and gentlemen and as a bit of a teaser for the next part of this saga, I have never ever ever found a company called “Churchill at Park West Association, Inc” or “Churchill Park at Park West Association, Inc.” incorporated anywhere at all, including but not limited to South Carolina..... BUT, to bring the first part of this saga to a proper close, if you will look at page 3 of Ex. O, about 2/3 of the way down that page BAM!!!... that same name again but strangely this one says “All HOA payments.....should be made payable to Churchill Park at Park West Association”. (HOA, POA, potatoes potatoes) And ladies and gentlemen, believe it or not, that is only the first part of this story... and it gets even wilder and crazier from here!!!! But like I said at the outset, y’all have to wait a few more weeks to read the rest of the story.

So, to recap, no standing because Churchill 2003 was not the Real Party in Interest, and judicial / attorney / government / law enforcement / developer / declarant / “professional property manager”, etc. coordinated misconduct because Mr. McCabe and Ms. Trotter and Ms McSweeney and their actual clients and associates always knew that Churchill 2003 wasn’t the Real Party in Interest, and my attorney, at a very very very minimum didn’t do anything at all to find out all of this stuff, and then when Norma and I spent our last New Year’s together doing everything my attorney hadn’t done in the last year, including teaching ourselves literally everything we had to by the hunt and peck method just to put the pieces of the big old ugly fraud together at the last minute, instead of just admitting to all of their stuff, they went and got their judge to enter a fraudulent order ending the case to get them out of trouble, which I’m fairly sure didn’t take much arm twisting to get Judge Scarborough to do that for them.

OHHHH, I almost forgot, this crap started a long long time before McCabe, Trotter and Beverly existed. See Ex. J. Even Rogers, Townsend and Thomas was in on the action back in 2011 when Ms. Trotter and Mr. McCabe worked for Mr. Wood over at Rogers Townsend and Thomas. So, it appears that when the Churchill 2003 cancer reached stage 3 or 4 level, Rogers Townsend cut it out and didn’t nuke it properly and sweet little cancerous law firm McCabe, Trotter and Beverly was unfortunately born. BUT, more on that next time ladies and gentlemen.

Lastly, I just feel compelled for some reason to put all of this stuff in perspective at this point for everyone. I attempted to pay Ms. Trotter \$308 in July 2013 a long long time before I ever knew this whole Churchill this and Churchill that was a big old fraud. And, Ms. Trotter repeatedly refused to accept it. And because Ms. Trotter felt for so long it was apparently appropriate to keep on demanding more and more money, we now have this little situation on our hands....which I would generally characterize as a case study in the corruption of our State's legal system, from very close to the top to pretty much the bottom, which a reasonable person can only conclude means it is indisputable that our legal system has absolutely and totally proven it is incapable of self-governing itself. So, because Ms. Trotter, Mr. McCabe, Judge Scarborough, etc, has, based on their prolonged and intentional (mis)conduct allowed this little cancerous fraudulent \$279 invoice to turn into another big ole judicial / attorney / government / law enforcement / developer / declarant / "professional property manager", etc. coordinated misconduct crisis, y'all have created me and given me enough motivation to unravel the mysteries of our REAL judicial system. Y'all can thank Ms. Trotter, Mr. McCabe, Ms. McSweeney, Judge Scarborough, etc. etc. etc. and their clients and associates for the gift of me, which I think they can attest to I am the gift that keeps on giving until all Persons finally do the right and prudent thing.....

WHEREFORE, Appellant Alan Nix respectfully requests this Court:

1. Maybe consider doing yourselves and the State and at least the perception of the state judiciary a favor and split the cases like previously requested and remand 2014-CP-10-05407 to the lower court so I can amend it and move it to Federal Court.
(Continuing to attempt to save judge Scarborough is not only improper, like it always has been, but obviously is exposing y'all to growing problems, and if you haven't figured it out yet, is clearly something I totally and absolutely refuse to allow to occur)
2. Maybe consider granting my motion for declaratory judgement. Its kind of an easy way out of this predicament for the appeals court even though I acknowledge that it is gonna probably be problematic for a lot of the legislature people's supporters that put them and y'all in y'alls jobs. However, from a purely financial and appearance perspective, there is a time rationale people just have to accept the facts and call the

situation unsolvable and thus, sunk costs. Kind of like a hurricane, wouldn't y'all rather try to keep the disaster contained to the low country if possible?

3. And of course to grant or deny pretty much any motion, I think y'all must file an order signed by a SC Court of Appeals Judge related to the Motion to Properly Restore filed in January 2019. Like stated previously, if you're gonna deny it, provide a really solid explanation as to why.
4. Separate case 2014-CP-065407 into appeal 2018-00056 and case 2017-CP-10-04031 into case 2018-000174.
5. If y'all think y'all should do anything about the transcripts please don't let me get in your way but at this point because I'm pretty sure that is gonna be dealt with via other methods now since it doesn't appear y'all or Charleston County or Court Administration or Sandlapper Reporting, etc want to do what is proper and open that can of worms. (to reiterate, I would really like to do this with case 2014-CP-10-05407, which should be pretty simple for y'all since it appears it is really pretty clear that Judge Scarborough's conduct related to that case starting with the almost certainly fraudulent 40j order he filed 23 March 2016, means it was not properly dismissed originally, which means it couldn't have been properly "restored to the original case number reason 40j" and of course he never filed it with the Richland County Clerk of Court like Ms. Armstrong's order of reference said it had to be filed --> all of which means it was never properly dismissed so it is technically, like it always has been, still active. And if you haven't figured it out, case 2014-CP-10-05407 holds a pretty special place in my heart, and not necessarily in a good way, since that was the case that Norma and I spent the majority of our last Christmas and New Year's together having to respond to Ms. McSweeney's motion to compel, just to figure out the entire darn thing was always a big ole long term fraud, aided and abetted by more than a few attorneys..... So, I really want to use that case to finish this thing to somehow try to make amends with Norma for spending our last Christmas and New Year's together doing this crap instead of actually being thankful for what we had to be thankful for)
6. If y'all want to do something with the appeal of 2017-CP-10-04031 that's fine, just be forewarned that case is pretty much toxic given the facts, and in actuality I'm looking

for some more judges to do something improper to cause more damages and of course, make the persons involved in the case(s) even more interesting and numerous. Just want to be transparent about my intent as much as I can.

7. Remand case 2014-CP10-05407 back to circuit court based on Judge Scarborough's fraudulent dismissal of such on 23 March 2016 with the attached order of the same date. Allow complete tolling of statute of limitations on all causes of action which were within the statute of limitations on 23 March 2016 and up to the date the case is remanded to circuit court. (and as a kind of follow up to my motion to Ms. Armstrong last Friday, I think it may be a possible solution to refer this to Judge Gravely "up in the Upstate" and/or "up in Greenville" I don't know him actually but at least he is up there where all of that other corruption and stuff is at with the "other Churchill", etc) just a thought.
8. I'm still just a little optimistic Judge Lochemy may properly respond to my Canon 3 request of February, but I don't want to force him to do anything that would affect him negatively by properly complying with Canon 3. I suspect that will now have to be handled via that other method too and am preparing in that direction.
9. Consider the appropriateness of allowing the involved title companies, banks, real parties in interest and the real defendants time to intervene to at least give them a little bit of a chance to mitigate the significant losses they are already exposed to, much less what will occur if additional actions are taken against me and my family post this notification.
10. And of course, all of that prudent and proper and right and just stuff too.

Dated: April 9, 2019

Respectfully submitted,



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Alan G. Nix

From: Alan G. Nix <alan.g.nix@gmail.com>
Sent: Friday, May 10, 2019 3:10 PM
To: 'Gravelly, Perry H. Law Clerk (Reed Mulbry)'; pgravelyj@sccourts.org
Cc: 'Kevin Mims'; ranstonej@joyelawfirm.com; 'Joseph Kaiser'; awc@countrymanlawfirm.com; robert.wood@rtt-law.com; awilson@scag.gov; 'Todd Musheff'; 'Todd Musheff'; 'Julie Armstrong'
Subject: change of venue - apologies for not bringing to your attention before now
Attachments: 11 April 2019 Response to Court of Appeals nbr 1.PDF; Motion in response to Trotter 1 April response 10 Apr 2019.docx; Motion in response to 13 Mar letter 23 Mar 2019.docx; B6 Musheff 27 Apr 2017 Consumer Affair response.pdf; Small Claims Nbr 1 Memo 7 May 2018.pdf

Judge Gravelly.

First, please accept my apologies for not getting to this sooner as I had planned and hoped. I have unfortunately been sick again. Hopefully once all of this stress is over my health will improve some.

Having said that, I mentioned your name as a possible candidate for a change of venue. No specific reason other than you are "located up in Greenville" and unless something has changed recently, Greenville (SC) is considered "in the Upstate somewhere".

Those developer(s) Todd Todd speak of seem to have a lot of influence in Charleston County (and Columbia) and I'm guessing "up there in the Upstate" too. BUT, at least to a simpleton like me, it seemed like a kind of poetic justice that you are up there in the Upstate along with that "other Churchill".

Anyways, wanted to make sure you were aware ASAP once I started trying to catch up on everything. I will make sure to get a copy of this stuff in the mail to you too so if you have any objections or conflicts or whatever, you can let everyone know sometime next week.

Best regards,
Alan Nix

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① JUDGE GRAVELLY
② ALAN WILSON
③ SC COURT OF APPEAL (MS. JENNY ABBOTT)
④ JULIE ARMSTRONG, CHS CLERK OF COURT

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