

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

**May 01 2020**

APPEAL FROM CHARLESTON COUNTY

**SC Court of Appeals**

Roger M. Young and Maite Murphy, Circuit Court Judges

Appellate Case No. 2019-001878

Alan Nix .....Appellant,

v.

Churchill Park Homeowners Association, Inc. Churchill Park at Parkwest, Inc. Churchill Park,  
Catherine Brown and David Brown ..... Respondents.

**RESPONDENT’S MOTION TO DISMISS APPEAL**

The Respondents, David Brown and Catherine Brown, pursuant to Rule 260(a), SCACR, respectfully move the Court for an order dismissing the appeal filed by the Appellant for failure to timely file and serve his initial brief as required by Rule 208(a)(1), SCACR. In support of the motion, the Respondent shows the following unto the court

This appeal arises from a case originally filed by Appellate in the Magistrate’s Court for Charleston County on February 24, 2017 against Respondents Catherine and David Brown and other parties. The original Magistrate’s Court case (2017CV1011500354) was dismissed on April 18, 2017. Subsequently, Appellate filed a Notice of Civil Appeal on June 28, 2018, and the matter was assigned Civil Action Number 2018-CP-10-3315 by the Clerk of Court for Charleston County. The appeal was heard on August 28, 2019 in the Circuit Court for Charleston County, and the trial

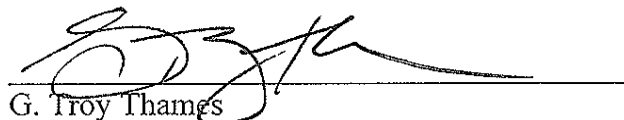
court denied the appeal and dismissed the action by Order of September 27, 2019. Appellant filed a Notice of Appeal on November 6, 2019, related to Civil Appeal that was heard on August 28, 2019, and to a prior hearing in that matter heard on December 7, 2018.

Appellant received the transcripts no later than February 29, 2020, as evidence by his submission of them to this Court on that date for inclusion in this appeal. See Exhibit A.

Pursuant to Rule 208(a)(1), SCACR Appellant's deadline to file and serve his initial brief was, at the latest, March 30, 2020. Pursuant to South Carolina Supreme Court Order 2020-000447, regarding Operation of the Appellate Courts During the Coronavirus Emergency, the due date for all Appellate Court filings are extended twenty (20) day, which therefore would extend Appellant's deadline to file and serve his initial brief until April 20, 2020. To date Appellant has not filed any brief in this matter or requested any extension of time related to briefing.

For these reasons, the Respondent respectfully requests that Appellant's appeal be dismissed with prejudice and for such other and further relief as the court deems just and appropriate.

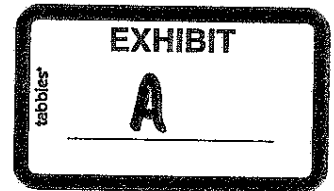
WILLSON JONES CARTER & BAXLEY, P.A.



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Mt. Pleasant, South Carolina  
May 1, 2020

**ATTORNEY FOR RESPONDENTS  
DAVID BROWN AND CATHERINE BROWN**



29 February 2020

Alan Nix  
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: Transcripts for 2019-1878 and 2019-1951

Ms. Abbott Kitchings,

Please find enclosed three transcripts.

The two transcripts dated 7 December 2018 and 28 August 2019, for case 2018-CP-10-03315, go with appeal 2019-1878.

The one transcript dated 26 September 2019, for case 2019-00067 goes with appeal 2019-1951

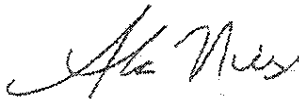
Also, please be advised that, as I communicated in the letter dated 26 February 2020, I will be filing motions in both of these cases next week to be granted leave to file 60(b) motions in the lower court.

Of course, we have this interesting little situation of Judge Murphy's order of 20 Sept 2019 "ENJOINING PLAINTIFF FROM RE-FILING THIS MATTER AND IMPOSING SANCTIONS UPON THE PLAINTIFF", but I'm chomping at the bit to see how that works out now that all parties are aware that I now not only know all of these cases and appeals are fruit of the poison fraud tree, but can prove it. One of the more disturbing aspects of this situation is that Charleston County, Judge Scarborough's and Judge Turner's employer, had this evidence in their possession the entire time. Additionally, as you might imagine, it is extremely hard to believe that most, if not all, of these attorneys did not know that this was an ongoing fraud.

Thank you very much for your assistance in filing these transcripts with these two cases

(signature and cc on next page)

Best regards,



Alan Nix

cc.

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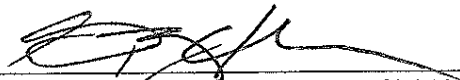
PROOF OF SERVICE

The undersigned certifies that a copy of *Respondents' Motion to Dismiss* has been served upon the following counsel of record by mailing a copy of the same by United States Mail, addressed as shown below this 1 day of May, 2020.

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*Attorney for Respondents Churchill Park,  
Churchill Park at Park West, Inc., and  
Churchill Park Homeowners Association, Inc.*

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*Attorney for Respondents McCabe, Trotter  
& Beverly, P.C., Stephanie Trotter, Ryan  
McCabe and Jamie McSweeney*



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*Attorney for Respondents David Brown and  
Catherine Brown*

May 1, 2020

# WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

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May 1, 2020

**VIA US MAIL & FACSIMILE (803) 734-1839**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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**May 01 2020**  
**SC Court of Appeals**

Re: Alan Nix vs. Catherine Brown & David Brown et al.  
Appellate Case No.: 2019-001878  
WJC&B File No.: 0375.00218  
Claim No.: 633930-GH

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Respondents' Motion to Dismiss in connection with the above-referenced matter. Also enclosed is a check for the required filing fee. Please return a filed copy to me in the enclosed stamped envelope. Please let me know if you have any questions or need any additional information.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.

  
G. Troy Thames

GTT/slb

Enclosures

cc: via US Mail: Mr. Alan G. Nix  
Kevin W. Mims, Esquire  
Andrew W. Countryman, Esquire