

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Deadra Jefferson
And
The Honorable Maite Murphy

Case No. 2019-CP-10-00067

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

Appellants,

v.

Churchill Park, Churchill Park HOA, Churchill Park Homeowners' Association, Inc., Churchill at Park West Association Inc., Churchill Property Owners Association, Churchill Park Property Owners Association, Churchill Park at Parkwest, Inc., Churchill Park at Park West Association Inc., Churchill Park @ Park West Association, Inc., Southern Community Services, LLC, Park West Development Corp., LPPM, Inc., McCabe, Trotter & Beverly, PC, Dobson Builders, Stephanie Trotter, Ryan McCabe, Jamie McSweeney, Larry Ridlehoover, Mike Hurd, Sheri Cothran, David Brown, Catherine Brown, Stephen Sumner, Richard Riccoboni, Rick Cumberland, Park West Master Association, Inc., Park West Amenity Association, Inc., C. Richard Dobson Builders, Inc., D.R. Horton, Inc., Brian Gardner, Venture Management of South Carolina, Inc., Dodds & Hennessey LLP, Kim Atkeson, Jennifer Williamson, Jessica Turner, Kevin Steelman, Landtech Development LLC., Landtech Incorporated of South Carolina, Land Tech Charleston LLC., Rogers Townsend & Thomas PC, Henry Munn, Charleston County (Christine Smith), Judge Mikell Scarborough, Sandlapper Reporting, LLC, William H. Sloan, Sloan Law Firm, Individual Agents, Assigns, Attorneys, Accountants, Employees, Officers, Directors, Independent Contractors, Investors, Successors Predecessors, Insurers, Representatives, Parents, Sister and Affiliated entities, Partners, Members of all Persona who might be liable

Respondents.

RECEIVED

JUN 08 2020

SC Court of Appeals

Appellate Case Number 2019-001951

APPELLANT'S RETURN TO LUZURIAGA MIMS MOTION TO DISMISS

First, my apologies for not getting this in sooner, but since my family and I are now totally destitute due to numerous years of fraud and Public Corruption, including this own court's improper conduct in 2018 and 2019 which led to the unnecessary filing of numerous other suits and appeals, including of course this one, my truck broke down "somewhere up in the Upstate" and I couldn't get home until 10 days later than I had planned while I begged and borrowed enough to get it fixed.

Additionally, I'm not going to spend a lot of time restating what I previously submitted since this one is pretty darn simple, that is as long as this court or a court has the courage to call fraud upon the court fraud upon the court and actually do something (serious) about it.

Three exhibits are attached to this Return to make it so very simple for the court to understand, assuming that the court doesn't already understand.

1. Ex. A – two page letter dated 18 May 2020 to Auto Owners Insurance Company and Hood Harget Associates, Inc notifying them their attorneys, the very same Luzuriaga Mims, was involved in fraud in several matters.
2. Ex. B – eight page motion filed by Luzuriaga Mims in the underlying case of this appeal on 24 May 2019. Notice they state they represent Defendants Churchill Park, Churchill Park at Park West, Inc. (they misspelled this one, it is supposed to be Churchill Park at Parkwest, Inc.) , Churchill Park at Park West Association, Inc., and Stephen Sumner.
3. Ex. C – six page motion to dismiss they just filed in this appeal on May 19, 2020 (Note: less than a year after the motion contained in Ex. B.

As contained in Appellant's previous Returns, Appellant first wants to give Auto Owners Insurance enough time to either deal with this situation properly OR affirm their knowing and

willful involvement in this fraud through either an affirmation of Luzuriaga Mims misconduct OR through no action to correct Luzuriaga Mims' misconduct. Since the letter contained in Ex. A was mailed on 18 May 2020, perhaps it would be appropriate to give Auto Owners Insurance 30 days to take whatever action they think is in their best interest related to this vey sorted affair.

Luzuriaga Mims works for Auto Owners Insurance company. To the lowly Pro Se person like Appellant, it seems highly likely that Auto Owners Insurance company must have specified the legal entity or legal entities in the contract which they signed with Luzuriaga Mims when they hired them to defend their insured, and possibly themselves. However, for reasons Appellant dare not speculate on just at this moment, it appears Luzuriaga Mims just can't keep straight which "Churchill"(s) they represent. In March 2017 they filed an answer in a small claims case stating they represented "Churchill Park", Churchill Park at Parkwest, Inc. and Churchill Park Homeowners' Association, Inc. Then in April 2018 they said they only represented Churchill Park at Parkwest, Inc. And then in May 2019 they stated, as is represented in Ex B, that they represented "Churchill Park", Churchill Park at Park West Inc. (misspelled again, supposed to be Churchill Park at Parkwest, Inc.) and Churchill Park at Park West Association, Inc. Now, here in May 2020, they claim they only represent "Churchill Park" (incorporated by Chuckleover, LLC, pka Southern Community Services, LLC, in July 2003).

The sole incorporator of "Churchill Park" (incorporated in July 2003), Ms. Jennifer Williamson, stated on the record on 17 December 2019, in a highly disturbing Restraining Order case in Mount Pleasant, SC, that she only incorporated "Churchill Park" (July 2003) because SCS, nka Chuckleover, LLC, told her to. Luzuriaga Mims is aware of this important fact.

Fraud upon the court could be defined as fraud which subverts the integrity of the Court itself, or is a fraud perpetrated by officers of the court so that the judicial (political?) machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication.

Given that Luzuriaga Mims, Stoney, McNair, Jackson, Thames, Countryman, Wood, etc. are all officers of the court, and given the immense experience South Carolina has with fraud upon the court by officers of the Court, including of course actual judges, it seems reasonable to this lowly Pro Se person to believe this situation is really very simple to understand, especially given that Stoney specifically stated at the 60(b) hearing in April 2018 that they only represented

Churchill Park at Parkwest, Inc., which certainly has never been registered with the South Carolina Secretary of State's Office as doing business in our apparently Great State or, for that matter, any other state that this lowly and highly emotionally distressed Pro Se Appellant is aware of. BUT surely Auto Owners Insurance must know who they insure that owns ten pieces of property in Charleston County. Some examples would be, but not limited to, TMS numbers 598-03-00-074, 598-03-00-062, 598-03-00-105, etc. AND since it appears Luzuriaga Mims are either experiencing some very serious mental issues OR are clearly involved in a conspiracy to defraud, among other very ugly crimes, Appellant believes it is only fair and proper to give Auto Owners Insurance enough time for them to either clear this matter up for themselves and their insured OR be validly considered knowing and willful coconspirators in this long term fraud and Public Corruption matter.

Either way, this appeal should be remanded to the lower court with a right to bring the appeal back, if necessary, so someone can schedule the motion to dismiss hearing for Mims, Luzuriaga and McNair, scheduled for 31 Oct 2019 and give them all another chance to state on the record who they do and don't represent. BECAUSE, on 26 September 2019, Mr. McNair was pretty darn clear that they represented Stephen Sumner, "Churchill Park", Churchill Park at Parkwest, Inc., and Churchill Park at Park West Association, Inc.. Now, his partner in fraud upon the court is trying to say they don't represent those parties. If they (Luzuriaga Mims and Auto Owners Insurance) has been subjected to even a fraction of the emotional distress that Appellant and his family have been subjected to for numerous years, Appellant begs of this court to grant them just one more chance to get this right before declaring they have engaged in numerous counts of fraud upon the court on behalf and in coordination with Auto Owners Insurance company. Appellant will also remind the court if they had just done the right thing in May 2018 and granted Appellant's request to file a 60(b) motion in cases 2014-CP-10-05407 and 2017-CP-10-04031, all of this would have occurred in those cases, like was proper and prudent.

WHEREFORE, Appellant Alan Nix respectfully requests this Court:

1. Grant the Defendant's / Respondents' request to dismiss the appeal, but obviously without prejudice and a right to restore if and whenever it is appropriate, since with prejudice just creates all kinds of additional issues for this Court and it's Attorney, Mr. Wilson and the various coconspirators named, and unnamed, in this Return.

2. Grant Luzuriaga Mims and Auto Owners Insurance ONE MORE CHANCE to finally figure out once and for all who they represent and insure before slapping them with another count of fraud upon the court. Since it is probably gonna take them a while to try to come to terms with their legal issues and finally admit their wrong doing and hire more attorneys to represent more attorneys and insurance companies, maybe go ahead and give them thirty days to do all of this stuff.
3. In the alternative, cite Lurizaga Mims and any and all of their coconspirators with fraud upon the court, dismiss the appeal with prejudice in favor of the Appellant, and obviously refer these matters to the appropriate law enforcement agencies.
4. Any other and further relief as the Court deems just, prudent, and proper. (Obviously lots of room for action in this regards, should this court, or any court, have the courage to take the appropriate actions required of a self governing profession.....)

3 June 2020

Respectfully submitted,



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

Ex. A

18 May 2020

Alan Nix
1401 Densmore Circle
Mt. Pleasant, SC 29466

Auto Owners Insurance Company
6101 Anacapri Blvd.
Lansing, MI 48917
(Policy: 032316-35031608-15, and other(s))

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

RE: notification of Auto Owners' attorneys' involvement in fraud

Auto Owner's Insurance Company and Hood Hargett Associates.

As a follow up to the letter of 13 March 2020, please be informed that it is my very strong belief that your attorney's, Kevin Mims, Randall Stoney Luzuriaga Mims, LLC, etc., is / have been involved with the perpetuation of a fraud against Churchill Park Homeowners' Association, Inc., in coordination with, either directly or indirectly, various other parties you insure and work with.

In February 2018, after I had finally received some exhibits, I recognized a coordinated usage of a mistake in the Articles of Incorporation of Churchill Park Homeowners' Association, Inc. between Luzuriaga Mims and Todd Musheff and McCabe Trotter and Beverly and McSweeney etc.

Specifically, after seeing the exhibit list, several pages of Ex 7 of which I have included and which has two entries circled, I recognized that your attorneys and Musheff, McCabe, Trotter, Charleston County, "Churchill Park", McSweeney and Others had, and continue to use, the mistake in the Articles of Incorporation of Churchill Park Homeowners' Association, Inc., to knowingly and willfully improperly claim that Churchill Park Homeowners' Association, Inc. was "up in the Upstate somewhere" or "up in Greenville", among other related knowing and willful misrepresentations.

This mistake was made by Hyatt Stubblefield and Ms. Bray in January 2000 when Ms. Bray, a young attorney at the time, had forgotten to change (maybe didn't know how to use Replace All,) "Greenville" to "Charleston" when they filed the Articles of Incorporation for Churchill Park Homeowners' Association, Inc. with the SC Secretary of State's Office.

As additional information, I am including a copy of the Articles of Incorporation for Churchill Park Homeowners' Association, Inc. and a copy of the Articles of Correction which will be filed before the end of May to correct this obvious mistake 20 years later, something which it appears several of y'all's insured chose not to do for, once again at least 16 years. I've also copied Ms. Stubblefield and Ms. Bray if y'all would like to speak to them about this very very disturbing situation.

Best regards,



Alan Nix

cc.

JoAnn Stubblefield
Hyatt Stubblefield
1979 Lakeside Pkwy, Ste. 250
Tucker, GA 30084

Amy Bray
Coulter Sierra
2800 Century Parkway, Ste. 275
Atlanta, GA 30345

Ex. B

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO.: 2019-CP-10-0067

ALAN G. NIX, NORMA J. NIX, AND THE ESTATE OF NORMA J. NIX
Plaintiff(s)

vs.

CHURCHILL PARK, CHURCHILL PARK HOMEOWNER'S ASSOCIATION, INC., CHURCHILL PARK AT PARKWEST, INC., CHURCHILL PARK AT PARK WEST ASSOCIATION, INC., SOUTHERN COMMUNITY SERVICES, LLC, PARK WEST MASTER ASSOCIATION, INC., LPPM, INC., MCCABE, TROTTER & BEVERLY, PC, LARRY RIDLHOVER, STEPHANIE TROTTER, RYAN MCCABE, JAMIE MCSWEENEY, MIKE HURD, SHERI COTHRAN, DAVID BROWN, CATHERINE BROWN, STEPHEN SUMNER, RICHARD RICCOBONI, RICK CUMBERLAND, PARK WEST MASTER ASSOCIATION, INC., PARK WEST AMENITY ASSOCIATION, INC., C. RICHARD DOBSON BUILDERS, INC., D.R. HORTON, INC., BRIAN GARDNER, DODDS & HENNESSEY LLP, KIM ATKESON, JENNIFER WILLIAMSON, JESSICA TURNER, KEVIN STEELMAN, LANDTECH DEVELOPMENT, LLC, LANDTECH INCORPORATED OF SOUTH CAROLINA, LAND TECH CHARLESTON, LLC, PARK WEST DEVELOPMENT, INC., ROGERS, TOWNSEND THOMAS, PC, HENRY MUNN, INDIVIDUALLY DIRECTORS, OFFICERS, AGENTS, ATTORNEYS, ACCOUNTANTS, INDEPENDENT CONTRACTORS, INVESTORS, SUCCESSORS, PREDESSORS, PARENTS, SUBSIDIARIES, SISTER AND AFFILIATED ENTITIES, PARTNERS, AND MEMBERS OF ALL NAMED ENTITIES

Defendant(s)
Check box above indicating submitting party

MOTION AND ORDER INFORMATION FORM AND COVER SHEET

Form with fields for Name, SC Bar No. and Address of Pro Se Plaintiff; Name, SC Bar No. and Address of Defendant's Attorney; MOTION HEARING REQUESTED; SECTION I: HEARING INFORMATION; Nature of Motion; Estimated Time Needed; Court Reporter Needed?.

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

NINTH JUDICIAL CIRCUIT

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

CASE NO. 2019-CP-10-0067

Plaintiffs,)

v.)

Churchill Park, Churchill Park)
Homeowner's Association, Inc., Churchill)
Park at Parkwest, Inc., Churchill Park at)
Park West Association, Inc., Southern)
Community Services, LLC, Park West)
Master Association, Inc., LPPM, Inc.,)
McCabe, Trotter & Beverly, PC, Larry)
Ridlehover, Stephanie Trotter, Ryan)
McCabe, Jamie McSweeney, Mike Hurd,)
Sheri Cothran, David Brown, Catherine)
Brown, Stephen Sumner, Richard)
Riccoboni, Rick Cumberland, Park West)
Master Association, Inc., Park West)
Amenity Association, Inc., C. Richard)
Dobson Builders, Inc., D.R. Horton, Inc.,)
Brian Gardner, Dodds & Hennessey LLP,)
Kim Atkeson, Jennifer Williamson,)
Jessica Turner, Kevin Steelman, Landtech)
Development, LLC, Landtech)
Incorporated of South Carolina, Land)
Tech Charleston, LLC, Park West)
Development, Inc., Rogers, Townsend)
Thomas, PC, Henry Munn, Individually)
Directors, Officers, Agents, Attorneys,)
Accountants, Independent Contractors,)
Investors, Successors, Predecessors,)
Parents, Subsidiaries, Sister and Affiliated)
entities, Partners, and Members of all)
named Entities,)

Defendants.)

FILED
2019 MAY 24 AM 11:37
JULIE J. CHRISTOPHER
CLERK OF COURT
BY [Signature]

**DEFENDANTS CHURCHILL PARK,
CHURCHILL PARK AT PARK WEST,
INC., CHURCHILL PARK AT PARK
WEST ASSOCIATION, INC., AND
STEPHEN SUMNER'S MOTION TO
DISMISS**

**TO: ALAN G. NIX, NORMA J. NIX, AND THE ESTATE OF NORMA J. NIX, PRO SE
PLAINTIFFS:**

PLEASE TAKE NOTICE that ten (10) days after service hereof, or as soon thereafter as counsel may be heard, the Defendants, Churchill Park, Churchill Park at Park West, Inc., Churchill Park at Park West Association, Inc. and Stephen Sumner, and their Attorneys, (collectively hereinafter "Defendants") by and through their undersigned attorney, will move before the Presiding Judge of the Ninth Judicial Circuit, Charleston County for an Order dismissing the Complaint of the Plaintiffs With Prejudice against these Defendants pursuant to South Carolina Rules of Civil Procedure, Rule 12(b)(6), 12(b)(5), and/or 12(b)(4).

SCRPC 12(b)(6)

SCRPC 12(b)(6) provides that a defendant may move for dismissal based on the plaintiff's failure to state facts sufficient to constitute a case of action. Plateau v. Harrelson, 355 S.C. 197, 584 S.E.2d 413 (Ct. App. 2003). In consideration a 12(b)(6) motion, "the trial court must base its ruling solely upon allegations set forth on the face of the complaint." Doe v. Marion, 373 S.C. 390, 645 S.E.2d (2007) (emphasis added); see also Brown v. Leverette, 291 S.C. 364, 353 S.E.2d 697 (1987) and Williams v. Condon, 347 S.C. 227, 233, 553 S.E.2d 496, 499 (Ct.App. 2001).

A trial judge in the civil setting may dismiss a claim when the defendant demonstrates the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court. Williams v. Condon, 347 S.C. 227, 233, 553 S.E.2d 496, 499 (Ct.App. 2001). The court should not grant a 12(b)(6) motion if "facts alleged and inferences reasonably deducible therefrom would entitle the plaintiff to any relief on any theory of the case." Id. The question is whether, in the light of most favorable to the plaintiff, and with ever doubt resolved in his behalf, the complaint states any valid claim for relief. Toussaint v. Ham, 292 S.C. 415, 416, 357 S.E.2d 8, 9 (1987).

On its face, the Complaint fails to state any facts, much less fact sufficient to constitute a case of action against these Defendants. The Complaint does not even state a single fact, as the

“Factual Allegations” section is totally blank. The Complaint only lists causes of action and fails to describe in any manner the basis for or even list the elements of any cause of action. It is not possible to determine this Complaint states a cause of action against anyone, much less these Defendants.

Sanctions and Gatekeeper Order

SCRCP 11 provides that a lawyer or party submitting filing certifies that the pleading, to the best of his knowledge, has good grounds to support it and is not interposed for delay or other purposes. A pleading that does not comply with the Rule shall be stricken. The court may also impose an appropriate sanction, which may include and order to pay to the party reasonable attorney’s fees and expenses incurred because of the filing. SCRCP 11(a). The decision on whether to award attorney’s fees under Rule 11 is treated as one in equity. Site Prep, LLC v. Atl. Coast Builders & Contractors, LLC, 394 S.C. 97, 713 S.E.2d 650 (Ct. App. 2011). The trial court’s decision on this issue is subject to an abuse of discretion standard. Id. It will not be disturbed on appeal unless the decision is controlled by an error of law or based on unsupported factual contentions. Id. An abuse of discretion may be found only if the conclusions reached by the court are without reasonable factual support. Runyon v. Wright, 322 S.C. 15, 471 S.E.2d160 (1996).

Filing a Complaint regarding matters already litigated and which contains zero factual discussion of allegations or descriptions of why a defendant is allegedly liable does not comport with Rule 11. The Court should sanction Mr. Nix and award a judgment of costs and attorney’s fees in favor of these Defendants for all amounts related in any manner to defending this claim.

These Defendants also ask the court for an Order pursuant to its inherent gatekeeping authority, restricting the court from accepting any filing from Mr. Nix that is not filed and signed by a licensed South Carolina lawyer and that otherwise complies with SCRCP 11. He continues to file

motions and other pleadings that lack any legal foundation. These require the Defendants to invest resources to respond and place an undue burden on the court by, among other things, demanding duplicative hearings on unnecessary matters. These Defendants ask this court to preclude Mr. Nix from submitting, and the Clerk from accepting, any filings that are not signed by a licensed South Carolina lawyer and otherwise comply with Rule 11.

Statute of Limitations/Service

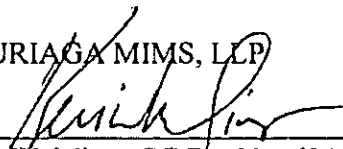
Defendants also request dismissal to the extent Plaintiffs failed to properly serve the Complaint and/or because the three-year statute of limitations precludes Plaintiffs' claims.

Rule 10(c)

Pursuant to Rule 10(c) of the SCRCP, Defendants adopt by reference the defenses raised in the motion to dismiss of McCabe, Trotter, & Beverly, PC, filed on January 14, 2019, to the extent applicable to these Defendants.

THEREFORE, the Defendants move that the Court dismiss this matter with prejudice; awarding sanctions in the form of attorney's fees, costs and other amounts as the court deems appropriate; and precluding Mr. Nix from filing, and the Clerk from accepting, any filings on his behalf not signed and filed by a licensed South Carolina lawyers and otherwise complying with SCRCP 11. Defendants reserve the right to supplement this Motion with supporting memoranda and/or affidavits.

LUZURIAGA MIMS, LLP

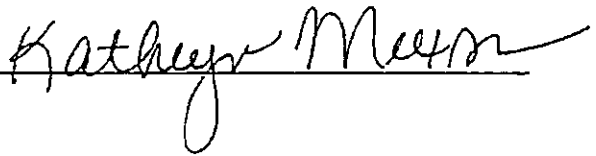
By: 
Kevin W. Mims, SC Bar No. 69418
50 Immigration St, Suite 200
Charleston, SC 29403
(843) 410-4713
kmims@lmlawllp.com

*Attorneys for the Defendants Churchill Park,
Churchill Park at Park West, Inc., Churchill Park
at Park West Association, Inc., and Stephen
Sumner.*

Charleston, South Carolina
May 24, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing
pleading was served on all counsel of record
in this proceeding this 24th day of May,
2019.



FILED
2019 MAY 24 AM 11:38
JULIE J. ARNSTRONG
CLERK OF COURT
BY _____



May 24, 2019

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Alan Nix v. Churchill Park HOA, et al.
Case Number: 2019-CP-10-0067
Claim Number: 072-0000125-2017
LM File Number: 114-20177015

Dear Julie:

Please find attached the original and one copy of Motion to Dismiss Plaintiff's Complaint in connection with the above matter. Also enclosed is the requisite Motion Cover Sheet and \$25.00 fee for filing a motion.

Kindly file the Motion and return the file-stamped copy to me in the envelope provided. A Motion Hearing is scheduled before Judge Knie on June 4, 2019. We would respectfully request this motion be placed on the roster to be heard at that time.

If you have any questions or concerns, please contact me.

With kindest regards, I am

Sincerely,

LUZURIAGA MIMS, LLP


Kevin W. Mims

KWM/kpm
Enclosures

cc: Alan G. Nix (w/enclosures via Process Server Only)
Counsel of Record (w/enclosures via email only)



May 19, 2020

VIA U.S. MAIL

South Carolina Court of Appeals
Attn.: Clerk, Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

Re: Alan Nix v. Churchill Park, et al.
Appellate Case No.: 2019-001951
Claim Number: 072-0000125-2017
LM File Number: 114-20177015

Dear Ms. Kitchings:

Enclosed please find Respondents Churchill Park and Stephen Sumner's Motion to Dismiss for filing in the above-referenced matter. I would appreciate your returning a file-stamped copy to me in the envelope provided. By copy of this letter, I am serving a copy of the same on all counsel of record. Thank you for your assistance in this matter and if you have any questions, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

LUZURIAGA MIMS, LLP

s/ Kevin W. Mims

KWM/mlw

Cc: ✓ Mr. Alan G. Nix
Andrew W. Countryman, Esq.
G. Troy Thames, Esq.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY

Deadra L. Jefferson and Maite Murphy, Circuit Court Judges

Appellate Case No. 2019-001951

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

v.

Churchill Park, Churchill Park Homeowner's Association, Inc., Churchill Park at Parkwest, Inc., Churchill Park at Park West Association, Inc., Southern Community Services, LLC, Park West Master Association, Inc., LPPM, Inc., McCabe, Trotter & Beverly, PC, Larry Ridlehover, Stephanie Trotter, Ryan McCabe, Jamie McSweeney, Mike Hurd, Sheri Cothran, David Brown, Catherine Brown, Stephen Sumner, Richard Riccoboni, Rick Cumberland, Park West Master Association, Inc., Park West Amenity Association, Inc., C. Richard Dobson Builders, Inc., D.R. Horton, Inc., Brian Gardner, Dodds & Hennessey LLP, Kim Atkeson, Jennifer Williamson, Jessica Turner, Kevin Steelman, Landtech Development, LLC, Landtech Incorporated of South Carolina, Land Tech Charleston, LLC, Park West Development, Inc., Rogers, Townsend Thomas, PC, Henry Munn, Individually Directors, Officers, Agents, Attorneys, Accountants, Independent Contractors, Investors, Successors, Predecessors, Parents, Subsidiaries, Sister and Affiliated entities, Partners, and Members of all named Entities . . .
.....Respondents.

**RESPONDENTS CHURCHILL PARK, IMPROPERLY NAMED AS
CHURCHILL PARK AT PARK WEST, INC. AND IMPROPERLY NAMED AS
CHURCHILL PARK AT PARK WEST ASSOCIATION, INC., AND STEPHEN
SUMNER'S MOTION TO DISMISS**

The Respondents, Churchill Park, improperly named as Churchill Park at Park West, Inc. and improperly named as Churchill Park at Park West Association, Inc., and Stephen Sumner, pursuant to Rule 260(a), SCACR, respectfully move the Court for an order dismissing the appeal filed by the Appellants for failure to timely file and serve his initial brief as required by Rule 208(a)(1), SCACR.

This appeal arises from a Complaint filed by Appellants on January 4, 2019 in the Court of Commons Pleas for Charleston County. Respondents filed a Motion to Dismiss on May 24, 2019, which was never ruled on by the trial court; however, the trial court did rule in favor of other Respondents, and issued its Order dismissing the action on October 17, 2019. It does not appear Appellant properly filed a Notice of Appeal with the trial court pursuant to Rule 203(d)(1)(B), SCACR.

It also appears Appellants received the transcript no later than February 29, 2020, as evidenced by Appellants' correspondence submitting the transcript to this Court on that date for inclusion in this appeal.

Pursuant to Rule 208(a)(1), SCACR, Appellants' deadline to file and serve the 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) days, which would extend Appellants' deadline to file and serve the initial brief until April 20, 2020. To date, Appellants have not filed and served any brief in this matter or requested an extension of time related to brief filing.

For these reasons, Respondents respectfully request that Appellants' appeal be dismissed with prejudice and for such other and further relief as the court deems just and appropriate.

Attorney Signature Page to Follow

Respectfully submitted,

LUZURIAGA MIMS, LLP

By: 

Kevin W. Mims

50 Immigration St, Suite 200

Charleston, SC 29403

kmims@lmlawllp.com

*Attorneys for Respondents Churchill Park and
Stephen Sumner*

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Deadra L. Jefferson and Maite Murphy, Circuit Court Judges

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SC Court of Appeals

Appellate Case No. 2019-001951

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v.

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.....Respondents.

PROOF OF SERVICE

The undersigned certifies that a copy of *Respondents' Motion to Dismiss* has been served upon the following pro se party and counsel of record by mailing a copy of the same by United States Mail, addressed as shown below this 19 day of May, 2020.

Alan G. Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
Pro Se Appellant

Andrew W. Countryman, Esquire
Countryman Law Firm
321 Wingo Way, Suite 102
Mt. Pleasant, SC 29464
*Attorney for Respondents McCabe,
Trotter & Beverly, P.C., Stephanie
Trotter, Ryan McCabe and Jamie
McSweeney*

G. Troy Thames, Esq.
Willson, Jones, Carter & Baxley, P.A.
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464
Attorney for Respondents David Brown and Catherine Brown

Respectfully submitted,

LUZURIAGA MIMS, LLP

By: 

Kevin W. Mims
50 Immigration St, Suite 200
Charleston, SC 29403
kmims@lmlawllp.com
*Attorneys for Respondents Churchill Park and
Stephen Sumner*

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Deadra Jefferson
And
The Honorable Maite Murphy

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SC Court of Appeals

Case No. 2019-CP-10-00067

Appellate Case No. 2019-001951

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

Appellants,

v.

Churchill Park, Churchill Park HOA, Churchill Park Homeowners' Association, Inc., Churchill at Park West Association Inc., Churchill Property Owners Association, Churchill Park Property Owners Association, Churchill Park at Parkwest, Inc., Churchill Park at Park West Association Inc., Churchill Park @ Park West Association, Inc., Southern Community Services, LLC, Park West Development Corp., LPPM, Inc., McCabe, Trotter & Beverly, PC, Dobson Builders, Stephanie Trotter, Ryan McCabe, Jamie McSweeney, Larry Ridlehoover, Mike Hurd, Sheri Cothran, David Brown, Catherine Brown, Stephen Sumner, Richard Riccoboni, Rick Cumberland, Park West Master Association, Inc., Park West Amenity Association, Inc., C. Richard Dobson Builders, Inc., D.R. Horton, Inc., Brian Gardner, Venture Management of South Carolina, Inc., Dodds & Hennessey LLP, Kim Atkeson, Jennifer Williamson, Jessica Turner, Kevin Steelman, Landtech Development LLC., Landtech Incorporated of South Carolina, Land Tech Charleston LLC., Rogers Townsend & Thomas PC, Henry Munn, Charleston County (Christine Smith), Judge Mikell Scarborough, Sandlapper Reporting, LLC, William H. Sloan, Sloan Law Firm, Individual Agents, Assigns, Attorneys, Accountants, Employees, Officers, Directors, Independent Contractors, Investors, Successors Predecessors, Insurers, Representatives, Parents, Sister and Affiliated entities, Partners, Members of all Persona who might be liable

Respondents.

PROOF OF SERVICE

The undersigned certifies that a copy of the Return to Motion (and ironically quasi in support of the Defendant's motion) has been served upon the individuals listed below by mailing a copy of the same, postage prepaid, in the United States Mail, addressed as shown below this 4th day of June 2020 to:

Chase McNair
Lurizaga Mims
50 Immigration St.
Charleston, SC 29403

Kevin Mims
Lurizaga Mims
50 Immigration St.
Charleston, SC 29403

Troy Thames
Wilson, Jones, Carter and Baxley
421 Wando Park Blvd.
Mt. Pleasant, SC 29464

Andy Countryman
Countryman Law Firm
321 Wingo Way
Mount Pleasant, SC 29466

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

Judge Jefferson
100 Broad St.
Charleston, SC 29401

Julie Armstrong
Clerk of Court, Chucktown
100 Broad St.
Charleston, SC 29401

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

Auto Owners Insurance Company
6101 Anacapri Blvd.
Lansing, MI 48917

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

Dated: June 3, 2020

Respectfully submitted,

By:  _____

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

3 June 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

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JUN 08 2020

SC Court of Appeals

RE: Alan Nix v Churchill Park, Churchill Park at Park West Association, Inc., Churchill Park Homeowners Association, Inc., et al. – Appellate case number 2019-001951
Response to Luzuriaga Mims motion

Ms. Abbott Kitchings,

I have enclosed a brief reply to Luzuriaga Mims motion to dismiss. I will supplement this as necessary in the near term, but it appears this is just another plain old not even complicated case of fraud upon the court by Luzuriaga Mims, "Churchill Park" 9(incorporated 31 July 2003) Auto Owners Insurance Company, etc., Chuclehoover, LLC (pka Southern Community Services), Park West Master Association, Inc., Landtech Incorporated of South Carolina, etc.

Given Luzuriaga Mims ongoing apparent challenges of figuring who in the heck they actually represent, which has apparently plagued them for over two years, perhaps you could reach out to your previous employer in downtown Charleston that rhymes with Timbers and Thermos and ask them to take a couple mile drive down East Bay St. to the marina and check on Luzuriaga Mims reading comprehension, emotional and mental well being, as well as potentially seeing if they can help Luzuriaga Mims read the corporate name and other identifying information of the insured on their contract with Auto Owners Insurance Company.

Thank you very much for your assistance and please let me know if you require anything else related to this filing.

Best regards,


Alan Nix

cc.

Kevin Mims
Lurizaga Mims
50 Immigration St.
Charleston, SC 29403

Tonnya Kohn
Office of Court Administration
1220 Senate St.
Columbia, SC 29201

*PASS THIS ALONG
TO YOUR BOSS AS
ANOTHER
EXAMPLE*

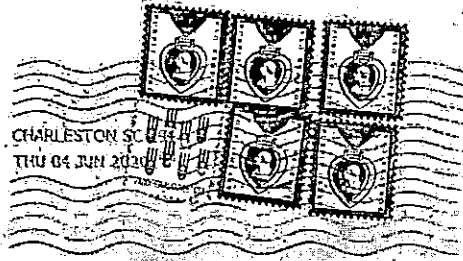
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Charleston, SC 29403

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

Andy Countryman
Countryman Law Firm
321 Wingo Way
Mt. Pleasant, SC 29464

Nix
1401 DENSMORE CIRCLE
MT. PLEASANT, SC 29466



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JUN 08 2020

SC Court of Appeals

JENNY ABBOTT - KIRKINES
CLERK OF COURT, SC COURT OF APPEALS
1220 SENATE ST.
COLUMBIA, SC 29201

