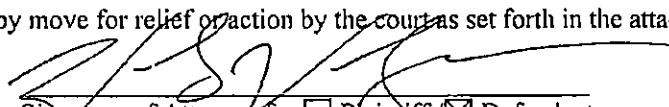


Exhibit

B

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Alan Nix)
)
 Plaintiff,)
)
 vs.)
)
 Churchill Park, et al.,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2018_CP-10_03315
 MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: Alan Nix, Pro Se, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Wesley Vorberger, Bar No. 103301 Address: P.O. Box 11549, Columbia, SC 29211-1549 Phone: 803-734-3177 Fax _____ E-mail: wvorberger@scag.gov Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES/ <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	
9/3/19 Date submitted	
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

COURT OF COMMON PLEAS
AND GENERAL SESSIONS
100 BROAD STREET, SUITE 106
CHARLESTON, S.C. 29401-2258
(843) 958-5000
(843) 958-5020 FAX
clerkofcourt.charlestoncounty.org



FAMILY COURT OF THE
NINTH JUDICIAL CIRCUIT
CHARLESTON COUNTY
100 BROAD STREET, SUITE 143
CHARLESTON, S.C. 29401-2265
(843) 958-4400
(843) 958-4434 FAX
clerkofcourt.charlestoncounty.org

JULIE J. ARMSTRONG
CLERK OF COURT
CHARLESTON COUNTY

The enclosed document is being returned for the following reason(s);

- The document is not signed / notarized.
- The filing fee is insufficient. The correct amount is: _____
- The check or money order must be made payable to the Clerk of Court.
- This document is a copy. We must have an original.
- This is not a Charleston County case.
- The case has been transferred/remanded to: _____
- Inmate litigation must comply with S.C. Code of Laws, Title 24, Chapter 27.
- The document is refused for filing pursuant to S.C. Code of Laws §30-9-30(B)(1).
- Name of submitting party: _____
- There is not a case listed in our system that matches this caption.
- Information may be obtained from our web-site at <http://clerkofcourt.charlestoncounty.org/>
- The required **new case** coversheet is not included. (SCCA234)
- The required **motion/order** coversheet is not included. (SCCA/233)
- The required **order (Form 4)** coversheet is not included. (SCRCP Form 4C)
- Effective October 21, 2019 Charleston County began accepting electronic filings from all South Carolina licensed attorneys. Please re-submit your filing electronically.

Other: Unable to file these documents
pursuant to Judge Murphy's order dated 9/27/19.

Staff initials _____

Date 9/15/20

Exhibit

D

the differences between “*this Court*”’s Order filed 9 November 2017 as well as “*this Court*”’s ruling from the bench on 26 September 2017.

2. The fourth sentence in the first paragraph reads “*Thereafter, on June 27, 2019 the South Carolina Court of Appeals remitted the case back to this court*”. Can “*this Court*” please provide evidence of the proof “*this Court*” utilized to find that the “*South Carolina Court of Appeals remitted the case back to this court*” “*on “June 27, 2019”*”? For simplicities sake, “*this Court*” can just attach that evidence to the amended Order correcting this Order.

3. The last sentence of the first paragraph reads “*The Court of Appeals further issued an Order dated July 2, 2020 directing this court add \$1,678.44 to the previous judgement*”

a. Can “*this court*” please clarify the actual name of the Person the Court of Appeals order dated 2 July 2020 directed to add \$1,678.44 to the previous judgment? If it isn’t any Person located on the second floor of the building at 100 Broad St., Charleston, SC, please state the name of the Person the Court of Appeals directed to add \$1.678.44 to the previous judgement in the amended Order correcting this Order..

4. The first sentence of the second paragraph reads “*This Order is issued for the limited purpose of updating the judgement debt to include interest that has accrued on the previous Judgement of Foreclosure and Sale, the aware of costs from the Court of Appeals, and additional attorney fees incurred since the Judgement of Foreclosure and Sale was entered*”.

a. Can “*this court*” explain why “*this court*” found it necessary to update the judgement debt to award costs from the Court of Appeals on 20 August 2020?

b. Can “*this court*” explain why if “*This Order was (is) issued for the limited purpose of updating the judgement debt*”, that “*this court*” did other things in this Order as well? While “*this court*” is explaining that issue, can “*this court*” also explain if “*this court*” construes this statement as being an intentional misrepresentation of the facts? If “*this court*” does not believe so, can “*this court*” explain if a reasonable person would consider that statement to be an intentional misrepresentation given the other acts of “*this court*” in this Order.?

5. Can “*this court*” explain what the “017990.00025” is at the top of the Order right below “*Defendants*” and right above “*On November 9, 2017*” as well as explain the significance of the same?

6. As to the third paragraph that starts with “Stephanie Trotter Kellahan, counsel for the Plaintiff”, can “*this court*” clarify:

a. that as used in this sentence, “*Plaintiff*” is “*Churchill Park*”, a non-profit corporation incorporated with the SC Secretary of State’s Office on 31 July 2003 by and through deceptive practices by Southern Community Services, LLC, now known as Chucklehoover, LLC and also used for deceptive business practices, including improperly filing numerous liens and foreclosures, by the same?

b. can “*this court*” clarify when and how Stephanie Trotter Kellahan “*submitted an Affidavit of Attorney’s Fees and Affidavit of Additional Costs*”?

c. can “*this court*” clarify when and how Stephanie Trotter Kellahan served these Affidavits on Defendants / Defendant’s counsel?

i. For “*this court*”’s information, even as of the date of this motion, this Defendant still hasn’t received these Affidavit’s via the USPS

d. can “*this court*” explain in detail how these “*Affidavit of Attorney’s Fees and Affidavit of Additional Costs*” “*submitted*” by Stephanie Trotter Kellahan complied and/or did not comply with South Carolina Code 14-11-110?

7. The fourth paragraph reads “*I find the rates listed on the Affidavit of Attorney’s Fees to be reasonable for both the locality and the experience of the professionals involved in this matter.*” In reference to this sentence, can “*this court*” clarify:

a. which locality it found “*the rates*” reasonable for?

b. the full legal names of all of the professionals involved in this matter.

c. if this matter is also including case 2014-CP-10-05407 which “*this court*” disposed of for the second time on 13 November 2017?

8. The first sentence of the fifth paragraph reads in part “*I further find the time and labor expended by Plaintiff’s counsel*” Can “*this court*” clarify the difference between the time

and labor charges “*this court*” is apparently referring to as well as specify the same at an itemized level?

9. The second sentence of the fifth paragraph reads “*Mr. Nix rejected Plaintiff’s offer of settlement prior to trial which necessitated Plaintiff’s counsel prepare for and participate in pre-trial motions hearings and a one-day trial in this matter.*”

a. can “*this court*” explain the relevance of this sentence to this Order if “*this court*”’s statement in the second paragraph is true? To wit: “*This Order is issued for the limited purpose of updating the judgment debt to include additional attorney’s fees incurred since the Judgement of Foreclosure Sale was entered*”

b. can “*this court*” explain why “*this court*” believes it would have been prudent, proper and just for Mr. Nix to have accepted “*Plaintiff’s offer of settlement prior to trial*”?

c. can “*this court*” explain which pre-trial motion hearings which of Plaintiff’s counsel attended for this case vice case 2014-CP-10-05407 vice both this case and case 2014-CP-10-05407? “*This court*” can simply provide a matrix that lists date of motion hearing, location of motion hearing, name of professionals that appeared where, which motions were heard, case numbers, etc.

10. The third and fourth sentences of the fifth paragraph states that “*Mr. Nix filed 21 post-trial motions in this matter while simultaneously pursuing an appeal of the final order. Most of these motions were patently frivolous.*” Relative to these two sentences, can “*this court*” clarify:

a. which of the 21 post-trial motions were filed before the appeal?

b. which were filed during the appeal?

c. which were filed after the appeal?

d. which motions were patently frivolous and clarify why, with specificity, they were so obviously patently frivolous.

e. for the remaining motions of the 21 post-trial motion that weren’t patently frivolous, what is or has “*this court*” properly doing about them?

11. The fifth sentence of the fifth paragraph states “*Mr. Nix issued 62 trial subpoenas and then issues 62 post-trial subpoenas after final judgement had been entered with any legal basis for the same.*” Relative to this sentence, can “*this court*” clarify:

- a. list the date(s) and Person(s) who Mr. Nix issued the “62 post-trial subpoenas” to.
- b. clarify if the 62 trial subpoenas didn’t have any legal basis or if it was only the 62 post-trial subpoenas issued after final judgement was entered that didn’t have any legal basis?
- c. clarify if, as “*this court*” uses the term, “*entered*” means “*filed*”.

12. The sixth sentence of the fifth paragraph states “*Including the Supplemental Damages Hearing on August 20, 2020, counsel for Plaintiff has had to attend nine court hearing in this matter.*” Relative to this sentence, can “*this court*” clarify the dates of these hearings as well as the name(s) of Plaintiff’s counsel who appeared at those hearings? (potentially satisfied by answering properly number 9 (c))

13. The seventh and eight sentences of the fifth paragraph states “*Mr. Nix has persisted in mailing and emailing hundreds of letters and emails to Plaintiff, Plaintiff’s counsel, Plaintiff’s former council, Mr. Nix’s neighbors, a multitude of attorneys unrelated to the subject case, various members of the judiciary, various members of law enforcement at various levels and various political figures. The vast majority of these communications were unnecessary and did not further his case in any way.*” Relative to these two sentences, can “*this court*” clarify this sentence by:

- a. providing the actual names of these Persons, as well as their employers and/or legal entity’s they represent.
- b. state why “*this court*” felt it was necessary to name any of these Persons, generically only of course, other than for the, “*Plaintiff’s counsel*” given the nature of the apparent charges being requested / awarded?
- c. clarify which of these communications were necessary and how they furthered Mr. Nix’s case?

d. for the communications which were apparently unnecessary, can “*this court*” clarify, in general of course, why “*this court*” found them to be so apparently unnecessary?

e. clarify with particularity which exact case or cases these mostly unnecessary communications did not further and why?

14. The second full sentence of the second page cites “*various attorneys employed by McCabe Trotter & Beverly PC who had never entered an appearance in this matter*”. Can “*this court*” provide the actual full legal names of the “*attorneys employed by McCabe Trotter & Beverly PC*” the court is speaking of?

15. The third full sentence of the second page refers to Stephanie Trotter Kellahan as “*Plaintiff’s current counsel of record*”. In reference to this statement, can “*this court*” clarify:

a. if Stephanie Trotter has not been “*Plaintiff’s current counsel of record*” sometime during the period 1 April 2013 through the date of this motion?

b. Given this statement, it seems reasonable to infer that the Plaintiff, “Churchill Park”, has had other “*counsel of record*”. Can “*this court*” provide their full legal names and how and when they became something other than Plaintiff, “Churchill Park”’s, “*counsel of record*”?

16. The fourth full sentence of the second page cites “*various members of Plaintiff’s counsel’s law firm to expend time reviewing the communications*” Can “*this court*” provide the names of the “*various members of Plaintiff’s counsel’s law firm*” and how much “*this court*” awarded them and why? Also, can “*this court*” clarify how it knows for sure that McCabe Trotter and Beverly, PC is contractually “Churchill Park”’s law firm? If so, can “*this court*” provide all that evidence in the corrected / amended Order?

17. The seventh full sentence of the second page reads “*Additionally, the court has over six inches of transcripts from hearings in this matter*. Can “*this court*” clarify how many of those transcripts have knowing and willful misrepresentations or omissions in them? (hint: it is beyond a reasonable doubt more than zero....)

18. The ninth full sentence of the second page reads “*This was not a typical homeowners’ association foreclosure*”. Can “*this court*” clarify in detail what “*this court*”

means by this sentence, including why it thinks "*Churchill Park 2003*" is, or ever was, a homeowners' association or that it had some type of right to file liens and foreclosures in the Churchill Park Subdivision of the Dunes West Development in Mount Pleasant, SC?

19. The first paragraph of the second page reads "*Finally, I find these fees to be reasonable because Plaintiff's counsel has secured the beneficial result of a favorable trial verdict, favorable appellate decision, and resolution of this matter through the sale of the property which was set today*" Relative to this sentence, can "*this court*" clarify:

a. if there was ever an actual legal and proper trial that could have led to a legitimate trial verdict? (hint: see number 17 above) If "*this court*" clarifies in the affirmative, can "*this court*" clarify which required aspects of a trial occurred and when?

b. clarify, with specificity, the exact language and date of the "*favorable appellate decision*"

c. clarify how was the "*sale of the property set today*" if as "*this court*" asserts in the second paragraph of the first page "*This Order is issued for the limited purpose of updating the judgement debtsince the Judgement of Foreclosure and Sale was entered.*"

20. The third paragraph of the second page reads "*I find the costs were appropriately incurred in this matter and are appropriately awarded to Plaintiff pursuant to the restrictive covenants for Churchill Park and the criteria of Dedes v Strickland, 414 S.E. 2d. 134 (S.C. 1992)*" Relative to this sentence, can "*this court*" clarify:

a. are the "*covenants for Churchill Park*" "*this court*" is referring to the same covenants recorded in the Charleston County RMC on 10 January 2000 in Book S340, Page 595?

i. If so, does "*this court*" acknowledge that those covenants specifically identify the name of the "*Association*" for the Churchill Park Subdivision in the Development known as Dunes West in Mount Pleasant, SC, on page S340, Page 598, as *Churchill Park Homeowners' Association, Inc.*?

ii. If so, does "*this court*" acknowledge on page S340, Page 633 of those same covenants, which is the "*Bylaws of Churchill Park Homeowners*

Association, Inc”, that Section 1 of those Bylaws defines the Name of the Association as follows: “*Name. The name of the Association shall be Churchill Park Homeowners’ Association, Inc., (hereinafter sometimes referred to as the “Association”)*).

iii. If so, does “*this court*” acknowledge that Churchill Park Homeowners’ Association, Inc. is not the same legal entity as the Plaintiff in cases 2014-CP-10-05407 and 2017-CP-10-04031?

iv. If so, does “*this court*” acknowledge that on page S340, Page 60 of those same covenants, paragraph c, that the paragraph states that “*Late Charges. All assessments, shall accrue late charges, interest (not to exceed the lesser of the maximum rate permitted by law or eighteen percent (18%) per annum on the principal amount due) costs, including without limitation, reasonable attorney’s fees actually incurred*”

v. If so, does “*this court*” have any evidence to prove that Churchill Park Homeowners’ Association, Inc. has incurred at least \$86,795 between 26 September 2017 or 9 November 2017 or 13 November 2017 in attorney fees?

vi. If so, please provide all evidence “*this court*” has in its possession related to the fact that Churchill Park Homeowners’ Association, Inc. has definitely incurred at least \$86,795 in attorney fees and additional costs of \$978.64 between 26 September 2017 or 9 November 2017 or 13 November 2017 in its amended Order related to these matters.

b. Once again, please clarify why “*this court*” included the Court of Appeals Award for \$1,678.44 on line (c) of the second page.

c. on line (b) of the second page, “*this court*” awards Post Interest from 11/10/2017 through 8/20/20 at 18.00% annum.

i. “*this court*” needs to correct this ruling for obvious Supreme Court Orders “*this court*” apparently willfully and knowingly chose to ignore. Regardless, by Order dated 4 January 2017, Chief Justice Beatty set the interest rate for judgements and money decrees at 7.75% for the period 15 January 2017 through 14 January 2018.

ii. By order dated 4 January 2018, Chief Justice Beatty set the interest rate for judgements and money decrees at 8.50% for the period 15 January 2018 through 14 January 2019

iii. By order dated 4 January 2019, Chief Justice Beatty set the interest rate for judgements and money decrees at 9.50% for the period 15 January 2019 through 14 January 2020

iv. By order dated 6 January 2020, Chief Justice Beatty set the interest rate for judgements and money decrees at 8.75% for the period 15 January 2020 through 14 January 2021.

v. When "*this court*" states that "*I find the costs were appropriately incurred in this matter...*", "*this court*" needs to provide the actual evidence and facts "*this court*" relied upon to definitively conclude when, how and by whom the "*costs*" were incurred and if the "*costs*" "*this court*" is speaking of includes the \$86,795.00 in attorney fees or just the \$978.64 in "Additional Costs"?

vi. Overall, "*this court*"'s award of interest at 18% is over twice what is allowed by the South Carolina Supreme Court during this period. Please clarify why "*this court*" took this improper action, other than for to further injure and harass the Defendants.

21. The fourth paragraph on page two reads "*The foreclosure sale in this matter is scheduled for October 6, 2020 under the terms and conditions listed in the Judgement of Foreclosure and Sale filed November 9, 2017*" Related to this sentence, can "*this court*" clarify why this sentence is in this Order if "*this court*" was telling the truth in the second paragraph of the first page when it stated as fact that "*This Order is issued for the limited purpose of updating the judgement of debt to include interest that has accrued on the previous Judgement of Foreclosure and Sale, the award of costs from the Court of Appeals, and additional attorney fees incurred since the Judgement of Foreclosure and Sale was entered*"?

22. The fifth paragraph of page two reads "*The Appeal Bond filed September 4, 2018 in this matter will be addressed post-sale*" Related to this sentence, can "*this court*" clarify why this sentence is in this Order if "*this court*" was telling the truth in the second paragraph of the

first page when it stated as fact that *“This Order is issued for the limited purpose of updating the judgement of debt to include interest that has accrued on the previous Judgement of Foreclosure and Sale, the award of costs from the Court of Appeals, and additional attorney fees incurred since the Judgement of Foreclosure and Sale was entered”*?

a. Additionally, clarify why *“this court”* didn’t already rule on the Appeal Bond since the Court of Appeals sent the remitter back to the lower court over seven months ago?

23. The sixth paragraph of page two reads *“Mr. Nix has filed a multitude of post-trial motions in this matter, most of which were filed while the case was on appeal. This court lacked jurisdiction to decide these motions while the case was on appeal. All of these motions are hereby DENIED as I find they are without merit.”* Related to this paragraph, can *“this court”* clarify:

a. Why this paragraph is in this Order if *“this court”* was telling the truth in the second paragraph of the first page when it stated as fact that *“This Order is issued for the limited purpose of updating the judgement of debt to include interest that has accrued on the previous Judgement of Foreclosure and Sale, the award of costs from the Court of Appeals, and additional attorney fees incurred since the Judgement of Foreclosure and Sale was entered.”*

b. Why *“this court”* ruled on these motions when the hearing was scheduled on 20 July 2020 to be a “Supplemental” hearing, not a motion hearing.

c. which of the post-trial motions that *“this court”* DENIED were filed in which cases, the dates and when did *“this court”* determine each of them to be *“without merit”*. To make this simple, just include a list of motions, the date filed, the case number filed under, the key issue(s) raised in each motion, and *“this court”*’s basis for finding each to be *“without merit”*. Then, you can recuse yourself so hopefully another judge without so many conflicts of interest can hear those motions, like should have happened on 20 July 2020.

24. Clarify how Ms. Trotter knew the date and time and all of the logistics of the 20 August 2020 hearing twelve days before *“this court”* knew.

25. Clarify how “*this court*” believes it has proper jurisdiction in these matters after several years of knowing and willful misconduct in the same?

26. Clarify if 6 October 2020 was the earliest sale date as Ms. Trotter requested in the Supplemental Hearing she scheduled on 31 July 2020? If not, clarify why “*this court*” didn’t schedule the sale for the earliest sale date like Ms. Trotter wanted and requested?

27. Clarify if *Dedes v Strickland* 414 S.E. 2d 134 (S.C. 1992) provides any guidance or criteria related to beneficial results obtained by and through Fraud Upon the Court by the Court and by numerous attorneys working in concert with Court. If not, “*this court*” needs to clarify how it rationally figured that conduct into the award of over \$100,000 in attorney fees to its coconspirators.

WHEREFORE, Defendant requires the Court to:

1. Require McCabe and Trotter to properly serve and file the Affidavits of Attorney Fees and Affidavit of Additional Costs cited in this Order.
2. File an Order correcting and clarifying this Order as required in this Motion, removing any and all language inconsistent with the second paragraph of the Order which clearly states “*This Order is issued for the limited purpose of updating the judgement debt to include interest that as accrued on the previous Judgement of Foreclosure and Sale, the award of costs from the Court of Appeals, and the additional attorney’s fees incurred since the Judgement of Foreclosure and Sale was entered*”
3. Schedule all unheard motions filed in this case before another judge in another County not influenced by the Tomlin Brothers, DR Horton, etc.
4. Grant a change of venue for the case to another County not influenced by the Tomlin Brothers, DR Horton, the SC Republican Party, etc.
5. If Affidavits of Attorney Fees and Affidavit of Additional Costs cited in this Order do not fully comply with SC 14-11-110, direct Ms. Armstrong to remove all additional costs awarded in this Order from the Public Record.
6. Attach Affidavits of Attorney Fees and Affidavit of Additional Costs to amended Order before filing.

7. Correct interest calculations to comply with Chief Justice Beatty's Orders from 2017, 2018, 2019 and 2020. Show calculations in amended Order so they can be verified as being mathematically and ethically correct.
8. Allow Defendants to file another Rule 59 once the amended Order is entered.
9. Direct McCabe, Trotter, Musheff, Deason, Churchill Park 2003 to rerun sale listing for property located at 1401 Densmore Circle, Mt. Pleasant, SC in the Post and Courier starting no later than 13 September 2020.
10. Once the Order required in number two above is entered, fully and honestly addressing all of the issues, and all other requirements in this motion is properly completed, file a motion setting aside the amended Order and then file an Order recusing yourself from these cases and returning them to the Circuit Court, where it properly belongs. Ensure all obvious and essential reasons requiring your recusal are fully documented in the Order of Recusal.
11. Any and all other and further relief that a legitimate Court that somewhat values the Rule of Law would deem just, prudent, and proper.

September 2, 2020

Respectfully submitted,



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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
CHURCHILL PARK)
 Plaintiff,)
 vs.)
)
)
ALAN G NIX, NORMA J NIX and ESTATE)
OF NORMA J NIX)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2017-CP-10-04031
**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Todd Musheff, Bar No. _____ Address: 1121 Park West Blvd, St. B, #148, Mount Pleasant, SC 29466 Phone: 843.729.3187 Fax _____ E-mail: tmucheff@musheff-law.com Other: _____	Defendant's Attorney: Alan Nix, Bar No. Pro Se Address: 1401 Densmore Circle, Mt. Pleasant, SC 29466 Phone: 843.991.4170 Fax _____ E-mail: alan.g.nix@gmail.com Other: _____
--	---

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


SECTION I: Hearing Information

Nature of Motion: Clarify / Rule 59 / Recuse
 Estimated Time Needed: N/A Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order

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


 Signature of Attorney for Plaintiff / Defendant

2 Sept 2020
Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$ 25.00 CH.# 1013

EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRCPP)
- Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.	JUDGE CODE _____
<input type="checkbox"/> Other:	Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

MOTION FEE COLLECTED: \$ _____


CONTESTED - AMOUNT DUE: \$ _____

David Thomas / Gregory Galvin
Crum & Foster / US Fire Insurance
305 Madison Ave.
Morristown, NJ 07960

Constantine Poindexter
Surety One
5 W. Hargett St., 4th Floor
Raleigh, NC 27601

Judge Condon
Charleston County Probate Court
84 Broad St., 3rd Floor
Charleston, SC 29401

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

By: 

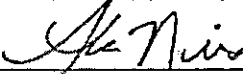
Alan G Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991-4170

Exhibit

E

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
CHURCHILL PARK)
 Plaintiff,)
 vs.)
)
ALAN G NIX, NORMA J NIX and ESTATE)
OF NORMA J NIX)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2017-CP-10-04031
**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Todd Musheff, Bar No. _____ Address: 1121 Park West Blvd, St. B, #148, Mount Pleasant, SC 29466 Phone: 843.729.3187 Fax _____ E-mail: tmucheff@musheff-law.com Other: _____	Defendant's Attorney: Alan Nix, Bar No. Pro Se Address: 1401 Densmore Circle, Mt. Pleasant, SC 29466 Phone: 843.991.4170 Fax _____ E-mail: _____ Other: _____										
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)											
SECTION I: Hearing Information Nature of Motion: Clarify / Rule 59 and/or 60 Estimated Time Needed: 30 mins Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO											
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="text-align: center;">  Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant </div> <div style="text-align: center;"> 5 Sept 2020 Date submitted </div> </div>											
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>75.00</u> <small>CH.# 104</small> <input type="checkbox"/> EXEMPT: (check reason) <table style="width:100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status</td> <td><input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act</td> <td><input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> <td><input type="checkbox"/> Motion for Publication</td> </tr> <tr> <td><input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> </table> Name of Court Reporter: _____ <input type="checkbox"/> Other: _____		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status	<input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act	<input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication	<input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
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<input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions										
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____										
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____											

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

CHURCHILL PARK,

Plaintiff,

vs.

ALAN G NIX, NORMA J NIX and the
ESTATE OF NORMA J NIX,

Defendants.

) IN THE COURT OF COMMON PLEAS
) THE NINTH JUDICIAL CIRCUIT

) CASE NUMBER: 2017-CP-10-04031

) **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 5th day of September 2020, a copy of the Motion to Clarify and Rule 59 and/or 60 for the Order Granting Motion to Withdraw as Counsel for Defendant Estate of Norma J. Nix. filed 21 August 2020 was served upon all parties and/or their respective counsel of record via USPS and/or hand delivery as follows:

Stephanie C. Trotter
McCabe, Trotter & Beverly, PC
4500 Fort Jackson Blvd.
Columbia, SC 29209

Todd M. Musheff
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., Suite 266
Charleston, SC 29401
(included with mailing to Armstrong)

Sarah Schreiber, Esq.
Charleston Legal Access
3775 Spruill Ave. Ste. B
North Charleston, SC 29405

Joe Dawson
Charleston County Attorneys Office
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Alan Wilson
SC Attorney General
1000 Assembly St.
Columbia, SC 29201

Ryan McCabe
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(included with Trotter's)

Ethan Nix
211 Posey Hill Rd,
Liberty, SC 29657

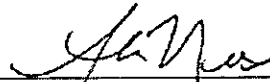
David Thomas / Gregory Galvin
Crum & Foster / US Fire Insurance
305 Madison Ave.
Morristown, NJ 07960

Constantine Poindexter
Surety One
5 W. Hargett St., 4th Floor
Raleigh, NC 27601

Judge Condon
Charleston County Probate Court
84 Broad St., 3rd Floor
Charleston, SC 29401

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

By: _____



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

- a. Is Sarah Schreiber also representing Charleston Legal Access in this matter?
- b. Is Sarah Schreiber representing Charleston Legal Access in another related matter?

c. there is no record of a motion to withdraw by Sarah Schreiber in Ms. Armstrong's records. Explain how you know that such a motion was filed on July 26, 2018?

d. Did Sarah Schreiber actually appear before the Court on 20 August 2020 to renew this motion of 26 July 2018 which can't be found in Ms. Armstrong's records? If so, please provide sufficient information as to her conduct and intentions on 20 August 2020, including specifically the times when she appeared and disappeared before this Court.

2. The second sentence reads "*Based upon my review of this matter, and for good cause shown,*

a. Can "*this Court*" explain in a lot more detail what "*this Court*" reviewed of this matter and when they reviewed whatever it is or was the court reviewed?

b. based on what "*this Court*" states in its answer to 2(a) above, please clarify how that equated to good cause shown?

3. The first sentence of the third paragraph states that "*Sally Newman (deceased), Sarah Schreiber, and Charleston Legal Access are hereby removed as counsel of record for Defendant....* Can this court clarify if all three parties cited appeared before "*this Court*" to renew the July 26, 2018 motion of Sarah Schreiber to withdraw as counsel which isn't listed in Mr. Armstrong's court records? If all three did appear, please provide a lot more detail about what "*this Court*" reviewed related to the appearances of Sally Newman and Charleston Legal Access's motions to withdraw.

4. The second and last sentence of the second paragraph reads "*Defendant shall have fifteen (15) days to retain new counsel or proceed pro se*"

a. Can "*this court*" explain in a whole lot of detail why, given all of the actions "*this court*" took on 20 August 2020, found it proper to give the "Defendant", the Estate of Norma J. Nix, fifteen (15) days to retain new counsel or proceed pro se? While "*this Court*" is

explaining this in a whole lot of detail, ensure “*this Court*” also makes sure this logic rationally jives with that good cause shown at the end of the first paragraph?

5. Can “*this court*” explain why “*this Court*” thought it was proper to put the email address enix0216@gmail.com in this Order and where “*this court*” got that email address from?

6. Can “*this Court*” clarify why “*this Court*” thought it was proper to rule on this matter on 20 August 2020?

7. Can “*this Court*” clarify why “*this Court*” didn’t just lump this Order in with all of the other stuff “*this Court*” lumped into the other Order filed on 21 August 2020?

8. Can “*this Court*” clarify why “*this Court*” thought it was proper to rule on matters involving “*this Court*”’s co-conspirators? (think SCRC 60(b)(3))

9. This Defendant, based on an email from Ms. Schreiber on 19 August 2020, was pretty certain that Ms. Schreiber was going to do the same thing she has done at every hearing in these matters since May 2018, not appear, not file any motions even when the basis to file a motion was overwhelmingly obvious and not explain why she thought it was proper not to appear and fulfill hers and Charleston Legal Access’s legal and ethical duties. Hence, this Defendant is completely surprised that Sarah Schreiber apparently showed up at this hearing before “*this Court*” on 20 August 2020. If this Defendant had known Ms. Schreiber was going to make a surprise appearance on 20 August 2020, this Defendant would have tried even harder to safely appear. (think Rule 60(b)(1) (surprise) and Rule 60(b)(3) (fraud, misrepresentation or other misconduct of an adverse party))

10. Likewise, this Defendant didn’t provide consent to Ms. Schreiber’s request in July 2018, so “*this court*” not only ruled on something that wasn’t scheduled to be heard or ruled on, but didn’t give the other parties a chance to be heard. Can “*this court*” clarify why “*this court*” thought that was proper and just?

11. Clarify if “*this court*” finds it ironic (or not) that Ms. Schreiber always wants to withdraw as counsel right before “*this court*” takes more legally improper financially and emotionally damaging actions?

12. On 19 August 2020, Ms. Schreiber stated that “*this court*” didn’t accept her motion of July 2018 because the case was closed. Was Ms. Schreiber wrong? If Ms. Schreiber wasn’t

wrong about this fact, how did “*this court*” rule on a motion that “*this court*” didn’t accept in July 2018?

12. Back to the fifteen (15) days to retain new counsel or proceed pro se thing, can “*this court*” clarify if this thing is somehow related to “*this court*” determining the earliest possible sale date was 6 October 2020?

13. Can “*this court*”, just to make sure “*this court*” addresses this specific problem somewhere in its Order to clarify this order before it sets it aside, explain if intentional legal malpractice meets the legal requirement for good cause shown to withdraw as counsel?

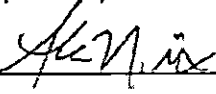
a. if intentional legal malpractice does not meet the legal requirement for good casus shown to withdraw as counsel, can “*this court*” explain why it filed this Order granting such an improper request and why “*this court*” didn’t, instead, take all of those proper and just actions judges and a self-governing legal industry are required to take to protect innocent parties from such misconduct?

WHEREFORE, Defendant requires the Court to:

1. File an Order by 18 September 2020 clarifying the issues raised and questions asked in this motion.
2. File an Order by 23 September 2020 setting aside this Order and Recusing himself from this and all related matters.
3. Take all actions required of a judge related to attorney misconduct. Clarify the actions taken in the Order setting aside this Order and Recusing himself from this and all related matters.
4. Allow a follow up Rule 60 motion to be filed in this matter once the court transcripts for cases 2014-CP-10-05407 and 2017-CP-10-04031 for 20 August 2020 are received by Defendants. These transcripts were ordered on 31 August 2020 requesting them to be expedited. As of the date of this motion, they have not been received and no follow up has been received from Court Administration.
5. Any and all other and further relief that a legitimate Court that somewhat values the Rule of Law would deem just, prudent, and proper.

September 5, 2020

Respectfully submitted,



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