

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JAN 19 2021

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable??? Mikell Scarborough and  
The Honorable? Maite Murphy

Case No. 2017-CP-10-04031 and  
2014-CP-10-05407 and  
2018-CP-10-03315

Appellate Case No. 2020-001304

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

Appellants,

v.

Churchill Park,

Respondent,

NOTICE OF APPEAL

Alan Nix, Norma J. Nix and the Estate of Norma J. Nix appeals the Orders of the Honorable???? Mikell Scarborough filed 31 December 2020 and 8 January 2021 in the above cited cases. The subject Orders are attached as Exhibit A and B, respectively, to this Notice of Appeal. Appellant Alan Nix received written Notice of the order filed 31 December 2020 on 8

January 2021 and emailed notification from Sgt. Craven of the Charleston County Sheriff's Dept on 5 January 2021. Appellant Alan Nix received written Notice of the order filed 8 January 2021 on 14 January 2021 but received it via email from Sgt. Craven of the Charleston County Sheriff's Dept on 9 January 2021.

Exhibit List:

- A. Order dated 7 January 2021, filed 8 January 2021 (4 pages)
- B. Order dated 30 December 2020, filed 31 December 2020 (4 pages)  
(Below documents for reference in response to MP)
- C. MP's Motion for Writ of Assistance and Summons dated and filed 21 December 2020 (4 pages)
- D. Order dated and filed 9 November 2017 (21 pages)
- E. Affidavit of Publication filed 1 October 2020 (1 page)
- F. Master's Deed , TMS # 598-03-00-096, signed by Mikell on 23 October 2020, filed on 9 December 2020, Charleston County ROD Book 0941, Page 914 (4 pages)
- G. Real Estate Mortgage, TMS # 598-03-00-096, Notarized 28 October 2020, filed on 9 December 2020, Charleston County ROD Book 0941, Page 915 (6 pages)
- H. Master's Order of Sale and Disbursement, Signed and filed on 2 November 2020 (2 pages)
- I. Sheriff Graziano's Notice of eviction dated 11 January 2021 (1 page)
- J. 16 March 2004, SC Attorney General Henry McMaster, response to Rep. Sandifer questions about Oconee County Supervisor being indicted for embezzlement, remaining in Office (5 pages)
- K. FITS News article from 4 December 2014, "*Origins of SC State House Probe Unearth Additional Corruption Allegations*", (2 pages)
- L. 10 December 2020 press release from The United States Attorney's Office, District of South Carolina, "*40 Charged in Largest Federal Racketeering Conspiracy in South Carolina History*" (5 pages)
- M. Letter from Appellant to Sen. Scott, Rep. Cunningham and Sen. Graham dated 12 September 2020. (9 pages)

As to the order filed 8 January 2021, Appellant Alan Nix was not aware of anything coming before that Court on 7 January 2021 nor has any idea of what correspondences from Defendant Alan G Nix that court is referencing that it apparently somehow received from Defendant Alan G Nix subsequent to the issuance of the Writ of Assistance. Hence, that court finding something that the Defendant did not send to that court to be without merit is most confusing. But, since that court ordered that no further hearings be held on the Motion for the Writ of Assistance, this Appellant is just going ahead and appealing this order now to save at least \$250 rather than having to appeal it later whenever that court finally gets around to having that hearing related to the \$20,000 bond money that court extorted out of this Appellant in September 2018.

Since Scarborough didn't give Defendant Alan G. Nix the opportunity to respond to MP's Summons and Rule to Show cause, Appellant Alan G. Nix will take this opportunity to respond to several questions MP Morris asked in his Summons and Motion of 21 December 2020 (attached as Ex. D), which still hasn't been served on Appellant Alan G. Nix as of the date of this Notice of Appeal, along with at least one significant issue with MP's assertions as true in his motion.

In paragraph 3 (three) of MP's motion and Rule to Show Cause, MP states in part, and as absolute fact, that "*Thereafter, State Street complied with its bid and a Master's Deed was issued transferring ownership of the Property to State Street. This Master's Deed was recorded on December 9, 2020 in Book 0941 at Page 914 in the Office of the Register of Deeds for Charleston County.*"

In response to this paragraph, Appellant Alan Nix response is:

1. MP's assertion as fact that State Street complied with its bid is not true. State Street failed to comply with its bid, at a minimum, by at least \$750 and legally by seven days.
  - a. The Order attached as Ex. D, on page 18, in paragraph 8, states in part that "*should fail to comply with the terms thereof within 20 days after date of sale*"
  - b. The Order attached as Ex. D, on page 17, paragraph "a.", states in part that "*in the event compliance is not made, the deposit may be forfeited*

*without further hearing and applied first to costs of the action and then to plaintiff's debt. Should the successful bidder at the regularly conducted sale fail or refuse to either make the required deposit at time of bid or comply with other terms of bid within 20 days"*

- c. The Order attached as Ex. D, on page 17, paragraph "b.", states *"Interest on the balance of the bid shall be paid through the day of compliance at the rate of 18.0000%"*
2. It is undisputed that State Street did not pay any interest at all, at either 8.25% or 18.0000% interest rate before 26 October 2020 OR 5 November 2020, so whether the period of time to comply is either 20 days or 30 days, State Street did not comply with the terms of the bid even under the most liberal circumstances.
3. It is also undisputed that State Street did not pay the balance of the bid, even without interest, on or before 26 October 2020.
4. Hence, State Street's deposit of \$6800.00 should have been forfeited as dictated by both the ad ran in the Post and Courier and/or the Order dated 9 November 2017.
5. Since Scarborough signed and filed the Order filed 8 January 2021, reciting language from the order dated 9 November 2017, clearly he knew, or absolutely should have known, these provisions had not been complied with and reversed his rulings, rather than continuing with his ongoing pattern of misconduct.
6. Now that Appellant Alan Nix has seen the Master's Deed, Appellant Alan Nix has several questions about that deed, which clearly should not have been issued based on the above cited numerous lack of compliance with the bid issues, but the main question is how did Scarborough think it was remotely legal and proper to sign that deed on 23 October 2020 when State Street had only paid Charleston County \$6800.00. To put that \$6800.00 in perspective, \$6800 represents:
  - a. 1.7% of the value of the property as valued by Charleston County

- b. 4% of the outstanding debt owed on the property, as estimated at the time of this Notice of Appeal
  - c. 3% of the equity the Nix family has in its family home located at 1401 Densmore Circle, Mt. Pleasant, SC 29466
  - d. And of course, only 5% of State Street's bid of \$136,000, without any of the required interest, of which Scarborough apparently found it somehow proper to send over \$127,796.83 to his accomplices McCabe and Trotter on or about 2 November 2020.
7. But, to be clear, since MP's client, State Street Holdings, LLC, did not comply with the bid either within the required time frame or by paying the required interest, the deed, by default, is not valid, should not have been issued, and thus, MP's clients have no legal right to demand anything of the court or the Defendant's, including but not limited to, *"That the occupants of the Property, their heirs and assigns, and any other persons residing in the Property, if any, should be required to vacate Property immediately, taking with them all of the personal belongings contained within the Property"*.
8. Furthermore, now that Scarborough's misconduct as related to issuing a deed with less than 5% of the bid price having been remitted is Public Record, it is undisputed that Scarborough lacked, and continues to lack, any semblance of judicial capacity to issue a deed for Charleston County TMS # 598-03-00-096. Additionally, Scarborough clearly made a knowingly and willful false statement in the Deed, (Book 0941, Page 914) when he stated as fact that *"in consideration of the sum of One Hundred Thirty Six Thousand and no/100 (\$136,000.00) Dollars as paid by the hereinafter named Grantee, the receipt whereof is hereby acknowledged, have granted....."* All evidence in the Public Record clearly establishes that no more than \$6,800.00 had been paid by State Street as of 23 October 2020.
9. On information and belief, on or after 23 October 2020, MP then went on to assist State Street in the utilization of Scarborough's fraudulent deed of 23 October 2020 to obtain a mortgage on the property identified as TMS # 598-03-00-096 in the amount of \$142,000. (Ex. G)

10. On information and belief, on 28 October 2020, State Street and MP both knew, or should have known, that they had not remotely complied with their bid of 6 October 2020, but went on to state as fact that “*MORTGAGOR COVENANTS that mortgagor is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant, and convey the Property and the Property is unencumbered except for encumbrances of record*”
11. On information and belief, on 2 November 2020, MP and State Street then utilized the funds from the mortgage obtained on 28 October 2020 to pay Charleston County \$129,200; incorrectly alleging that they had complied with their bid of 6 October 2020.
12. On information and belief, MP and State Street’s scheme could only be successful, or believed to have a high likelihood of being successful, with the active, knowing and willful participation of Charleston County and Scarborough.
13. On information and belief, Scarborough’s and Charleston County’s actions, starting on or about 29 December 2020, was intended to, at a minimum, cover up their role in this scheme and prevent Defendant’s from raising these issues.
14. In paragraph 5, MP states as complete and beyond question fact that “*That State Street notified the occupants of the Property of the circumstances of the same and demanded that they immediately vacate the Property.* Appellant Alan Nix has only had one known interaction with State Street and that was on 13 October 2020 when Pat Sumerell showed up at his family’s home unannounced and without making any prior arrangements to be there. Appellant Alan Nix is quite certain that Pat (Summerell that is, not Tomlin) did not “*demand that they immediately vacate the Property*” because if Pat (Summerell that is, not Tomlin) had done so, Appellant Alan Nix would have first called the Mount Pleasant Police Department and after they had come out and knowingly and willfully filed another deceptive and incomplete police report, he would have notified Pat that if he did not leave his Property at once, he would take all necessary and appropriate actions to help Pat leave his family’s property. Appellant Alan Nix concedes it is possible that Allan

Thornton and Steven Sumner may have been acting on State Street's behalf on the evening of 17 October 2020. See Mt. Pleasant Police Report.

15. In reference to MP's allegation in paragraph 6 that "*That State Street is entitled to immediate, peaceable possession of the Property*", Alan Nix believes with a 97.9% confidence level that just isn't remotely possible without having a legitimate Deed to such property, which clearly State Street does not possess.
16. In response to MP's statement in paragraph 8, Alan Nix responds with *molòn labé*
17. In response to MP's demand in paragraph request in paragraph 9, Alan Nix responds that it is clear now that occupants of their Property is and were more than capable of showing an overwhelming amount of cause as to why they should not immediately vacate their premises, why they WILL NOT vacate their premises, and why Sheriff Graziano would be highly cautioned to recognize her co-employee, Scarborough, for what he clearly is at this point, and consider very carefully whether she wants to willfully and knowingly join the conspiracy Scarborough and his co-conspirators have been engaged in for at least three years. Likewise, Appellant Alan Nix, publicly and on the record, notifies Sheriff Graziano he will not remotely peaceably vacate his family's Property, will defend it with all such force which is required and he can muster, and will if remote reason is given, add her name to the same lawsuit that Mr. Wilson became aware of on 21 December 2020 (potentially ironically the same date that MP filed his Summons and motion for a Rule to Show Cause and for a Writ of Assistance), which already includes Scarborough and her employer Charleston County, among numerous other parties, mostly of the attorney persuasion.
  - a. Since this is a Federal case, and alleges knowing and willful wrongdoing by multiple parties, Appellant Alan Nix, in Charleston County's Magistrate Lynn's famous words, wants to formally put all parties on Public Notice that all evidence remotely related to this situation shall be properly preserved, and the destruction or alteration

of any such evidence will constitute obstruction of justice, one of the predicate acts as defined under Federal law as noted in Ex. L

In conclusion, Appellant Alan Nix wants to state that, based on obvious information and belief, the issues and allegations raised in Ex. K have clearly not been remotely properly dealt with as of the date of this Notice of Appeal. It appears, beyond a reasonable doubt, that *“conflict up and down the halls of justice in Charleston and Columbia”* continue to be a systemic problem in South Carolina, that *“follow-the-money trail(s)”* continue to not be followed and *“actively buried”*, that *“open and shut case(s) of judicial corruption”* continue to be the norm rather than isolated incident that the SC BAR is completely, utterly, and now proven to be, unable to self govern itself, and perhaps most unbelievably, *“They”* still aren't *“even clever about it”*.

To that end, and as it applies to the facts and allegations Defendant Alan Nix has raised in this Notice of Appeal, Defendant Alan Nix includes for easy reference our current Governor's, previous SC Attorney General, opinion from March 2004 which should be beneficial in promptly and properly indicting Scarborough, as a starting point to the indictments of many more, which should easily eclipse the current record of *“40 Charged in Largest Federal Racketeering Conspiracy in South Carolina History”*.

Ryan and Bill – now y'all are also on Public Notice. I'm more than you could possibly imagine thrilled to have y'all as co-mortgagors on my family's home. Welcome to the storm

January 18, 2021

Respectfully submitted,



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

PS. Chief Keel and Capn Prodan (apparent SLED Public Corruption Expert),

THE STATE OF SOUTH CAROLINA  
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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable?? Mikell R. Scarborough, Master in Equity

Case No. 2014-CP-10-05407  
2017-CP-10-04031  
2018-CP-10-03315

Appellate Case No. 2020-001304

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

Appellants,

v.

Churchill Park,

Respondent,

PROOF OF SERVICE

The undersigned certifies that a copy of the Appellant's Notice of Appeal for the Orders filed 31 December 2020 and 8 January 2021 has been served upon the individuals listed below by mailing or hand delivering a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 19<sup>th</sup> day of January 2021 to:

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Dated: January 18, 2021

Respectfully submitted,

By:  \_\_\_\_\_

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18 January 2021

Alan Nix  
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JAN 19 2021

**SC Court of Appeals**

Ms. Jennie Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
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Columbia, SC 29201

RE: Churchill Park v. Alan G. Nix, Norma J. Nix and the Estate of Norma J. Nix  
Notice of Appeal – Case Number: 2017-CP-10-04031, 2014-CP-10-05407 and 2018-CP-10-03315  
Appellate Case Number: 2020-001304

Ms. Abbott Kitchings,

Please find enclosed:

1. Notice of Appeal for the Orders filed 31 December 2020 and 8 January 2021 for case numbers 2014-CP-10-05407 and 2017-CP-10-04031
2. Proof of Service.
3. Check number 936 in the amount of \$50.00 and 937 in the amount of \$250.00 drawn on Navy Federal Credit Union. I have included both amounts depending on the required amount to add these additional orders to Appeal 2020-001304.
4. Copies of the Notice of Appeal and Proof of Service to be returned with your clock stamp
5. Self-addressed and postage prepaid envelope to return the enclosed copies of the Motion and Proof of Service (Exhibits not included for return)

Thank you for your assistance.

Best regards,



Alan Nix



1401 Denmore Circle  
Mount Pleasant, SC 29466

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JAN 10 2021

SC Court of Appeals

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2020-11304