

**BAIL PROCEEDING
FORM II**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS
ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.

ALAN GREGORY NIX
NAME OF DEFENDANT

Offense Charged: TRESPASS AFTER NOTICE / RESISTING ARREST / INTIMIDATION OF COURT OFFICIAL JURORS OR WITNESS

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: ←

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$65,440.00.

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on Upon Call of Court at 2:00 o'clock, P.M. at CHARLESTON COUNTY JUDICIAL CENTER, 100 BROAD STREET, CHARLESTON and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of Summey: 6185 Rivers Ave., Ste E, N. Chas. beginning on Friday, March 19, 2021 at 10 o'clock, A.M. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT

AGN

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

Haselden
SIGNATURE OF JUDGE: Haselden

January 26, 2021
DATE

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

_____ ADDRESS		_____ SIGNATURE OF DEFENDANT: ALAN GREGORY NIX	
_____ CITY/STATE/ZIP	_____ TELEPHONE	_____ January 26, 2021 DATE	
_____ SOCIAL SECURITY NUMBER	_____ DRIVER'S LICENSE OR ID NUMBER	_____ ATTORNEY REPRESENTING ACCUSED (IF KNOWN)	

SPECIAL CONDITIONS OF RELEASE

a. Placement in custody. The defendant is placed in the custody of: _____
NAME OF PERSON OR ORGANIZATION

ADDRESS CITY/STATE ZIP TELEPHONE
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) DATE

b. Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. Part-time Release. The defendant will be released from custody from _____ o'clock, _____ to _____ o'clock, _____
on _____ on condition that he return to the custody of _____
at _____ as designated.
DATE(S) NAME OF PERSON OR ORGANIZATION LOCATION

d. Other Conditions. The defendant will comply with the following other conditions of release: You will be advised by mail of your next court appearance. It is your responsibility to maintain your current mailing address with the Clerk of Court for General Sessions. **NO CONTACT WITH VICTIMS NOR ANY FAMILY MEMBERS OF THE VICTIM VERBALLY, ELECTRONICALLY, BY PHONE, ON SOCIAL MEDIA OR BY THIRD PARTY, OR IN WRITING. YOU ARE BARRED FROM WITHIN ONE BLOCK OF THE VICTIM'S RESIDENCE, SCHOOL, BUSINESSES AND/OR WORK.**

THE VICTIM'S ARE AS FOLLOWS: ENTIRE MASTER AND EQUITY OFFICE (CURRENT AND PREVIOUS EMPLOYEES) :

LAURA BECK, KATIE BURUNSON, JAN ONEALE HEARN, CINDY YARBOUROUGH, CHRISTINE SMITH, MIKELL SCARBOROUGH, MARTI DENNIS, RYAN CONNOR, SPENCER GILL, JUDY DAWKINS, HUNTER JAMES, BARNWELL RASWELL

CHARLESTON COUNTY MAGISTRATE TOM LYNN

DEF IS NOT TO POSSESS OR AQUIRE ANY FIREARMS , KNIVES OR WEAPONS OF ANY KIND DURING THE PENDENCY OF THIS CASE. ANY WEAPONS MUST BE TURNED OVER TO ATTORNEY LE, OR FAMILY MEMBERS THAT WILL GO ON RECORD

DEF IS NOT TO RETURN TO THE INCIDENT LOCATION

DEF IS TO WEAR A GPS MONITOR AND IS NOT TO GO WITHIN A 5 MILE RADIUS OF 1401 DENSMORE CIRCLE. GPS MONITOR DOES NOT PROHIBIT DEF FROM LIVING ANYWHERE IN THE STATE NO CONTACT WITH VICTIMS NOR ANY FAMILY MEMBERS OF THE VICTIM VERBALLY, ELECTRONICALLY, BY PHONE, ON SOCIAL MEDIA OR BY THIRD PARTY, OR IN WRITING. YOU ARE BARRED FROM WITHIN ONE BLOCK OF THE VICTIM'S RESIDENCE, SCHOOL, BUSINESSES AND/OR WORK.

THE VICTIM'S ARE AS FOLLOWS: ENTIRE MASTER AND EQUITY OFFICE (CURRENT AND PREVIOUS EMPLOYEES) :

LAURA BECK, KATIE BURUNSON, JAN ONEALE HEARN, CINDY YARBOUROUGH, CHRISTINE SMITH, MIKELL SCARBOROUGH, MARTI DENNIS, RYAN CONNOR, SPENCER GILL, JUDY DAWKINS, HUNTER JAMES, BARNWELL RASWELL

CHARLESTON COUNTY MAGISTRATE TOM LYNN

DEF IS NOT TO POSSESS OR AQUIRE ANY FIREARMS , KNIVES OR WEAPONS OF ANY KIND DURING THE PENDENCY OF THIS CASE. ANY WEAPONS MUST BE TURNED OVER TO ATTORNEY LE, OR FAMILY MEMBERS THAT WILL GO ON RECORD

DEF IS NOT TO RETURN TO THE INCIDENT LOCATION

**DEF IS TO WEAR A GPS MONITOR AND IS NOT TO GO WITHIN A 5 MILE RADIUS OF 1401 DENSMORE CIRCLE.
GPS MONITOR DOES NOT PROHIBIT DEF FROM LIVING ANYWHERE IN THE STATE**

APPEARANCE RECOGNIZANCE WITH SURETY

On the _____ day of _____, _____, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of _____, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

_____ NAME OF SURETY BONDSMAN COMPANY	_____ TELEPHONE	_____ SIGNATURE OF SURETY BONDSMAN
_____ ADDRESS OF SURETY BONDSMAN		
_____ CITY/STATE/ZIP		_____ SIGNATURE OF JUDGE:
_____ NAME OF INSURANCE COMPANY		_____ DATE
_____ ADDRESS OF INSURANCE COMPANY		
_____ CITY/STATE/ZIP		

The South Carolina Court of Appeals

Churchill Park, Respondent,

v.

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

Appellate Case No. 2020-001304

The Honorable Mikell R. Scarborough
Charleston County
Trial Court Case No. 2017CP1004031

ORDER

Appellant has failed to order the transcript, as well as file a motion to order the transcript outside of the filing deadlines, as required by Rule 207 of the South Carolina Appellate Court Rules and this Court's letter dated October 19, 2020. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY

V. Claire Allen

CLERK

Columbia, South Carolina

FILED
Nov 24 2020

cc:

Alan G. Nix

Todd M. Musheff, Esquire

Stephanie Trotter Kellahan, Esquire

The South Carolina Court of Appeals

Churchill Park, Respondent,

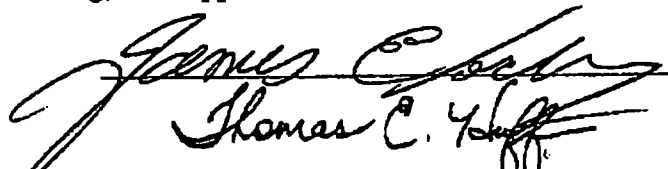
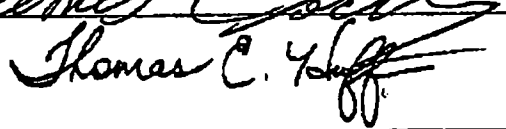
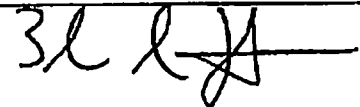
v.

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

Appellate Case No. 2020-001304

ORDER

Appellants have filed a motion requesting that this court reinstate this appeal or rehear the dismissal of this appeal. Because Appellants failed to timely order the transcript or serve and file his initial brief and designation of matter, this appeal was properly dismissed. *See* Rule 207, SCACR (providing the transcript must be ordered within ten days of serving the notice of appeal); Rule 208, SCACR ("Within thirty days of after receiving the transcript or, if no transcript is ordered, within thirty days after serving the notice of appeal, appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service."). Accordingly, there is no basis for reinstating or granting a rehearing, and Appellants' motion is denied.

 C.J.
 J.
 J.

Columbia, South Carolina

FILED
Feb 19 2021

cc:

Alan G. Nix

Todd M. Musheff, Esquire

Stephanie Trotter Kellahan, Esquire

**THE STATE OF SOUTH CAROLINA
In The 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**

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 Appellants' Motion to Rescind / Correct Ms. Allen's Order to Dismiss filed 24 November 2020 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 8th day of December 2020 to:

Plaintiff Attorneys:
Ryan McCabe & Stephanie Trotter
McCabe, Trotter & Beverly, P.C.

Todd M. Musheff, Esq.
Law Offices of Todd M. Musheff

4500 Fort Jackson Blvd.
Columbia, SC 29209

1121 Park West Blvd., Ste. B 148.
Mount Pleasant, SC 29466

Judge Scarborough
Master in Equity, Charleston County
100 Broad St., Ste. 266
Charleston, SC 29401

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

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

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

First Federal Savings & Loan Association
of Charleston dba CenterState Bank, N.A.
c/o Nicole Comer
700 Gervais St.
Columbia, SC 29202

State Street Holdings, LLC
c/o MP Morris Law Firm
336 Old Chapin Rd.
Lexington, SC 29072

CenterState Bank, N.A.
Office of General Counsel
1951 8th Street NW
Winter Haven, FL 33881

Peter McCoy
U.S. Attorney, South Carolina
1441 Main St., Ste. 500
Columbia, SC 29201

John Nichols
Office of Disciplinary Counsel
1220 Senate St.
Columbia, SC 29201

Judge Murphy
5200 East Jim Bilton Blvd.
St. George, SC 29477

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

Joe Dawson
Charleston County Attorneys
4045 Bridge View Dr.
Charleston, SC 29405

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

Chief Keel
SC Law Enforcement Div
4400 Broad River Rd.
Columbia, SC 29210

Kevin Mimsi
Luzuriaga Mims
50 Immigration St.
Charleston, SC 29403

Dated: December 8, 2020

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Alan G. Nix", is written over a solid horizontal line.

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

**THE STATE OF SOUTH CAROLINA
In The 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**

Appellate Case No. 2020-001304

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

Appellants,

v.

Churchill Park,

Respondent,

Appellate Case Number 2020-001304

**APPELLANTS' MOTION RELATED TO MS. ALLEN'S ORDER (DISMISSAL) DATED
24 NOVEMBER 2020**

BACKGROUND AND ISSUES

Appellants' received an Order from Ms. Claire Allen of the South Carolina Court of Appeals dated 24 November 2020 on 2 December 2020. Ms. Allen states in her Order that this appeal is dismissed because Appellant has failed to order the transcript as well as file a motion to order the transcript outside of the filing deadlines as required by Rule 207. Clearly Ms. Allen reacted incorrectly to something without paying attention to several key facts, the vast majority of which was available to the SC Court of Appeals on 24 November 2020, and in most circumstances, actually filed with the SC Court of Appeals over three weeks before 24 November 2020. This motion and the facts and arguments made herein is not meant to be a complete and exhaustive list of the issues with Ms. Allen's Order of 24 November 2020, but merely to point out the obvious and key facts and issues sufficient to have the SC Court of Appeals correct this obviously erroneous Order.

The first and major issue with Ms. Allen's Order of 24 November 2020 and her stated rationale for issuing such order is substantially addressed in Appellants' motion filed in this case with the SC Court of Appeals on 2 November 2020. The title of that motion is "APPELLANT'S SECOND MOTION FOR EMERGENCY STAY OF SALE OF PROPERTY, ORDER TRANSCRIPT LATE (IN NECESSARY), CLARIFY DEFICIENCY ORDER OF 6 OCTOBER 2020, ADD ORIGINAL PARTIES BACK TO APPEAL". Appellant points out with specificity the part of that title which reads "**ORDER TRANSCRIPT LATE (IN NECESSARY)**". Hence, point one of this motion is the obvious fact that Ms. Allen's assertion that "*Appellant has failed ...as well as file a motion to order the transcript outside of filing deadlines*" is clearly not true and the evidence related to such had been in the SC Court of Appeals possession for over three weeks at the time Ms. Allen took the time to craft this Order in an attempt to dismiss this case.

Next, lets focus on the part of that title in parenthesis. Eg. **(IF NECESSARY)** Ms. Trotter, acting as an Agent of Judge Mikell Scarborough and Charleston County, sent a letter on 31 July 2020 stating that Judge Mikell Scarborough and Charleston County had apparently set a supplemental damages hearing in case 2017-CP-10-04031 on August 20, 2020 at 10:00 AM and that "*Pursuant to S.C. Code Ann 14-11-110 (as amended), the Plaintiff's attorney will be submit written testimony on behalf of the Plaintiff at the hearing listed above*" (**See Ex. A**)

S.C. Code Ann. 14-11-110 states:

SECTION 14-11-110. Master shall take testimony on application of party; procedure.

The master shall, upon the application of either party to any cause or proceedings in which equitable relief is demanded pending and at issue in his county, take in writing the testimony of any witness who may be produced before him by any party to the cause, ten days' notice of such application having been given to the opposite party. Such witness shall be subject to the same examination, cross-examination and reply and the same exceptions as to the admissibility of testimony may be taken as are allowed by law upon examination before the court except that in case any testimony be objected to the master shall receive the same subject to the exceptions, reporting the exceptions and his ruling thereon.

It is undisputed that case 2017-CP-10-04031 is a Charleston County, SC case and that Judge Mikell Scarborough is the appointed Master in Equity in Charleston County, SC. There are obviously many many many issues with how what happened, or didn't happen as the case may be, on 20 August 2020, but based on at least Ms. Trotter's own words in Exhibit A, it seems as if the only possible and remotely logical conclusion is that Ms. Trotter did exactly what she said she was going to do in the letter dated 31 July 2020 and "*submit written testimony on behalf of the Plaintiff at the hearing listed above*". With this being clarified at a pretty elementary level, Appellants' points the SC Court of Appeals, Ms. Allen, Ms. Abbott-Kitchings, etc. back to Appellants' motion filed 2 November 2020 and specifically to page four of that motion and the twenty nine pages included in that motion as Exhibit 1. Appellants' state that based on the above at this point in time, one can only conclude that Exhibit 1 of the motion filed with the SC Court of Appeals on 2 November 2020 in this case must be, can only be, exactly the transcript of the testimony Ms. Trotter was referring to in her letter dated 31 July 2020 when she stated "*Pursuant to S.C. Code Ann 14-11-110 (as amended), the Plaintiff's attorney will be submit written testimony on behalf of the Plaintiff at the hearing listed above*". Appellant argues there is literally no other explanation other than this being the case.

Hence, returning to Ms. Allen's statements of apparent fact of her Order attempting to dismiss this case on 24 November 2020, Appellant DID file a motion to order the transcript outside of the filing deadlines on 2 November 2020, if necessary, and actually included that apparent transcript of the testimony apparently taken in front of the Master in Equity of Charleston County on 20 August 2020 of "*any witness who may be produced before him by an party to the cause*" as Exhibit 1 in the 2 November 2020 motion.

Furthermore, when Appellants' were praying to this Court in the 2 November 2020 motion, the fifth prayer states "*Notify Appellants' if Exhibit 1 is responsive to Ms. Abbott-Kitchings demands.* Since 2 November 2020, Appellants' have received two pieces of correspondence from the SC Court of Appeals about this case. One Ms. Allen's Order of 24 November 2020 attempting to dismiss this appeal and the second, Judge Williams Order filed 6 November 2020. Of course Judge Williams denied Appellants' first prayer of the 2 November 2020 motion, and then went on to attempt to straighten out the 6 October 2020 letter Order, but did not speak to Appellants' fifth prayer about Ms. Abbott-Kitchings demands about transcripts. Hence, a relatively reasonable person can on conclude based on the facts of this unique (hopefully) situation, words of Ms. Trotter from 31 July 2020, and the fact that Judge Williams, by not addressing the issue about transcripts in his 6 November 2020 Order related to Appellants' 2 November 2020 motion which contained the 29 page Exhibit 1, meant that Judge Williams agreed, even as bizarre as the situation obviously is, that the 29 pages of Exhibit 1 from 2 November 2020 is exactly what Ms. Trotter and Judge Mickell Scarborough and Charleston County intended to be the testimony "*taken in writing of any witness who may be produced before him by any party to the cause*" as specified in *S.C. Code Ann 14-11-110 (as amended)*.

But, as to attempt to leave as few material stones unturned related to this hopefully unique situation, Appellants' points this Court back to page four of the 2 November 2020 motion which reads in party "*Second. since the motion filed with this court on 22 October 2020 lays out some significant problems with Scarborough's jurisdiction of case 2017-CP-10-04031, not to mention the improper enabling conduct by Public Official Armstrong and Charleston County, clearly asking an employee of Charleston County to provide a transcript of those proceedings is improper. Hence, please coordinate with Ms. Kohn to have a Court Reporter from Court Administration provide whatever transcript is required.*"

First, as stated previously, it does not appear as if Ms. Kohn and Court Administration has taken any action related to this since 2 November 2020. Second, and granted this is a recent development, Appellants' filed another Notice of Appeal of Judge Mikell Scarborough's Order (ironically also) dated 2 November 2020 last week in this case. Even though that Notice of Appeal only contains the necessary stuff, Appellants' advise this Court to review the Orders contained in the Notice of Appeal filed last week for additional issues with Judge Mikell Scarborough's jurisdiction of case 2017-CP-10-04031.... Consequently, it is almost totally

improper to have a transcript produced by a Charleston County employee instead of a Court Administration employee given these circumstances. To clarify, if there is at least a better than average chance that the Charleston County Master in Equity doesn't have, and never had, anything remotely resembling proper jurisdiction of case 2017-CP-10-04031, then clearly a Charleston County employee who provides exclusive Court Reporter services to the Charleston County Master in Equity couldn't possibly be an appropriate person to transcribe whatever else may or may not have occurred on 20 August 2020, not to mention that whatever else may or may not have occurred on 20 August 2020 is completely inconsequently, legally speaking, if the Charleston County Master in Equity doesn't have, and never had, anything remotely resembling proper jurisdiction of case 2017-CP-10-04031.....

Thus, while it appears Mikell Scarborough as the appointed Master in Equity for Charleston County, would have been totally within his jurisdiction to *"take in writing the testimony of any witness who may be produced before him by any party to the cause"* for *"any cause or proceedings in which equitable relief is demanded pending and at issue in his county"* pursuant to SC Code 14-11-110, which presumably, and ultimately the only option is, the 29 pages contained in Exhibit 1 of the motion filed in this case on 2 November 2020. Additionally, as this Court can now view for itself, the only thing scheduled to occur on 20 August 2020 was *"Pursuant to S.C. Code Ann 14-11-110 (as amended), the Plaintiff's attorney will be submit written testimony on behalf of the Plaintiff at the hearing listed above"*. Lastly, based on the Orders contained in the Notice of Appeal filed with this Court last week in this case, it appears as there are some anomalies as it relates to SC Code 14-11-310, which further goes to the Appellants' comments on page four of the motion filed 2 November 2020. Eg. *"Second, since the motion filed with this court on 22 October 2020 lays out some significant problems with Scarborough's jurisdiction of case 2017-CP-10-04031, not to mention the improper enabling conduct by Public Official Armstrong and Charleston County, clearly asking an employee of Charleston County to provide a transcript of those proceedings is improper."*

Hence, to wrap up this section of this motion a bit succinctly, in direct response to Ms. Allen's comments and assertions in her Order dated 24 November 2020 attempting to dismiss this appeal:

1. *"Appellant has failed to order the transcript..."*

- a. There is no transcript to order related to this matter that is material in any legally valid respect because the 29 pages contained in Exhibit 1 from Appellants' 2 November 2020 motion is the only possible option to what Ms. Trotter, as an Agent for Charleston County and the Charleston County Master in Equity scheduled to occur by letter dated 31 July 2020. (See Exhibit A) The only possible transcript pursuant to S.C. Code 14-11-110 related to this matter was provided to this court as Exhibit 1 to the 2 November 2020 motion, which a reasonable person can only conclude that Judge Williams agreed with based on his 6 November 2020 Order.
 - b. Since nothing else was scheduled to occur by Ms. Trotter, as an Agent for Charleston County and the Charleston County Master in Equity on 20 August 2020 other than "*Pursuant to S.C. Code Ann 14-11-110 (as amended), the Plaintiff's attorney will be submit written testimony on behalf of the Plaintiff at the hearing listed above*" nothing else should have occurred, hence, whatever else occurred was not scheduled, was clearly improper, and obviously intended for improper purposes.
 - c. Now this Court and the SC Judicial machine has some follow the money evidence included in the Orders filed with the Notice of Appeal last week in this case, further making the case as to Scarborough's and Charleston County's lack of jurisdiction in case 2017-CP-10-04031.
2. "*Appellant has failed to ...file a motion to order the transcript outside of the filing deadlines....*"
- a. Obviously not true if one just reads the caption of the 2 November 2020 motion filed in this case. To assist in this analysis, here it is again.
“APPELLANT’S SECOND MOTION FOR EMERGENCY STAY OF SALE OF PROPERTY, ORDER TRANSCRIPT LATE (IN NECESSARY), CLARIFY DEFICIENCY ORDER OF 6 OCTOBER 2020, ADD ORIGINAL PARTIES BACK TO APPEAL”.
 - b. Even more obviously not true if one actually reads the 2 November 2020 motion.

ISSUE 2

**Inclusion / Exclusion of Judge Murphy's 27 September 2019
Order in case 2018-CP-10-03315 entitled ORDER ENJOINING
THE PLAINTIFF FROM RE-FILING THIS MATTER AND
IMPOSING SANCTIONS UPON THE PLAINTIFF**

The Appellants' are more confused now than previously about this situation even though this Court has routinely made it appear to be obvious. In Ms. Catherine H___'s letter Order of 6 October 2020, she states "*The appeal of the September 27, 2019 order in case 2018-CP-10-03315 is not timely served. Accordingly, this appeal will proceed without consideration of this order.*"

When the Appellant's requested a clarification of this situation in the 2 November 2020 motion, Judge Williams stated "*As to Appellant's request for clarification of the October 6, 2020 letter, this court notes Appellant's appeal of the September 27, 2019 is dismissed because Appellant failed to timely serve the notice of appeal. See Rule 203, SCACR.*"

Yet, as of the date of this appeal, Appellants' haven't received an Order dismissing the appeal related to Judge Murphy's Orders in case 2018-CP-10-03315, including but not limited to her extremely inaccurate, (and easily known to be factually extremely inaccurate) order entitled "ORDER ENJOINING THE PLAINTIFF FROM RE-FILING THIS MATTER AND IMPOSING SANCTIONS UPON THE PLAINTIFF". Appellants' request this Court explain this situation with enough facts involved that layPersons like the Appellants can understand what was so clearly wrong. If the original appeal of Judge Murphy's Order in case 2018-CP-10-03315 entitled "ORDER ENJOINING THE PLAINTIFF FROM RE-FILING THIS MATTER AND IMPOSING SANCTIONS UPON THE PLAINTIFF" isn't dismissed, and clearly Charleston County continues to use this order in a very prejudicial and improper manner in many cases involving Appellants and their property located in the Churchill Park Subdivision of the Development known as Dunes West in Mount Pleasant, SC, including related to the matters involved in this appeal, then clearly Judge Murphy's extremely inaccurate order entitled "ORDER ENJOINING THE PLAINTIFF FROM RE-FILING THIS MATTER AND IMPOSING SANCTIONS UPON THE PLAINTIFF" should be included in this appeal. Additionally, Judge Murphy's extremely inaccurate order entitled "ORDER ENJOINING THE

PLAINTIFF FROM RE-FILING THIS MATTER AND IMPOSING SANCTIONS UPON THE PLAINTIFF” was included in the Notice of Appeal filed last week for the same reason.

Since Charleston County and Judge Mikell Scarborough and everyOne that they work with went ahead and sold Appellant’s home located in the Churchill Park Subdivision of the Development known as Dunes West in Mount Pleasant, SC and this Court denied multiple motions of Appellants to prevent that, similar to the numerous denials of motions by Appellant Alan Nix in appeals 2018-00056 and 2018-00174 to file Rule 60(b) motions in cases 2014-CP-10-05407 and 2017-CP-10-04031 during 2018 and 2019, the good news is Appellants aren’t seeking any of those clearly improper requests from the Court of Appeals in this motion. However, Appellants do make a general request of the SC Court of Appeals, as a cog in the SC Judicial machine, along with any other Agencies and Associations that have jurisdiction in such matters of obvious Judicial and Public Corruption matters, to take any and all necessary steps to at least end such overt and obvious misconduct by Persons like which have been involved in these cases for so long. Appellant Alan Nix fears without at least the appearance of a little bit of oversight, investigation and appropriate discipline, such gross misconduct can only be construed by Persons like involved in this case as, even though unspoken, approval of such obvious and egregious misconduct.

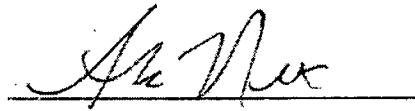
WHEREFORE, Appellants respectfully requests this Court:

1. Toll the Statute of Limitations related to all matters which could and should have been validly asserted but cannot be due to Judge Murphy’s Order dated 27 September 2019, for case 2018-CP-10-03315, entitled ORDER ENJOINING THE PLAINTIFF FROM RE-FILING THIS MATTER AND IMPOSING SANCTIONS UPON THE PLAINTIFF and Public Official Armstrong, Charleston County’s and Scarborough’s knowing and willful improper conduct in these matters.
2. Clarify if and when the Appellant’s appeal of the September 27, 2019 is dismissed because Appellant failed to timely serve the notice of appeal. If the appeal of the September 27, 2019 is not dismissed, restore that order to the orders included in this appeal.
3. Obviously file an Order rescinding Ms. Allen’s Order dated 24 November 2020.

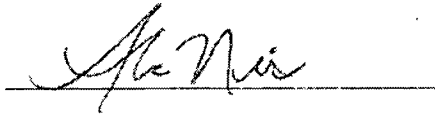
4. Have Court Administration assume control of any and all recordings and other evidence in the possession of Charleston County related to 20 August 2020.
5. Perhaps, considering the circumstance, return the enclosed check in the amount of \$50 to Appellants. All things considered, perhaps it would be more appropriately utilized for necessities and Salvation Army Christmas donation.
6. Any other and further relief as the Court deems just, prudent and proper.

December 8, 2020

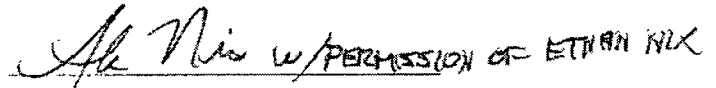
Respectfully submitted,



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



Alan G. Nix (as co-PR for Estate of Norma J. Nix)
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991-4170



Ethan Nix, co-PR for Estate of Norma J. Nix
1784 Walhalla Hwy.
Pickens, SC 29671
(864) 419-8654

Exhibit

A

Physical Address:
4500 Fort Jackson Blvd.
Suite 250
Columbia, South Carolina
29209

Mailing Address:
Post Office Box 212069
Columbia, SC 29221

Locations in:
Mount Pleasant, SC
Myrtle Beach, SC



MCCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

www.mccabetrotter.com

Phone: (803) 724-5000

Fax: (803) 724-5001

Stephanie Trotter Kellahan
Shareholder

Stephanie.Kellahan@mccabetrotter.com

July 31, 2020

Sarah Anne Schreiber, Esq.
1630 Meeting Street, Suite 106
Charleston, SC 29405
Attorney for the Estate of Norma J. Nix

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

RE: Churchill Park vs. Alan G. Nix and Estate of Norma J. Nix
Civil Action Number: 2017-CP-10-04031 and 2014-CP-10-05407
Our File Number: 17990.0001

Dear Sarah Anne Schreiber, Esq. and Alan G. Nix:

Enclosed please find a copy of the Notice of Hearing in this matter.

Pursuant to S.C. Code Ann. § 14-11-110 (as amended), the Plaintiff's attorney will submit written testimony on behalf of the Plaintiff at the hearing listed above.

If you plan to attend the hearing, we would appreciate you leaving a message at (803)724-5000.

Yours very truly,
Stephanie Trotter Kellahan

STK/atc
Enclosure

13 December 2020

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Ms. Jennie Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate St.
Columbia, SC 29201

RE: 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 and 2014-CP-10-05407
Appellate Case Number: 2020-001304

Ms. Abbott Kitchings and Ms. Claire Allen, etc.

In reference to the motion submitted last Tuesday in this case, I found two documents tonight that need to be added to that motion as additional exhibits given they address even more fully the issues Ms. Allen cited in her order dated 24 November 2020.

Please find attached two more exhibits that should be included with that motion. The first is a three page letter dated 31 August 2020 with a title line of "*transcript request forms for cases 2014-CP-10-05407 and 2017-CP-10-04031*". The next two pages are two transcript request forms also dated 31 August 2020.

The second exhibit is a one page transcript request form that is dated 2 September 2020 from Ms. Christine Smith.

Hence, the second issue Ms. Allen laid out in her order attempting to dismiss the appeal, that I had not ordered a transcript, is also not accurate based on these two documents. In this case however, Ms. Allen (Court of Appeals Ms. Allen) potentially didn't know if Ms. Allen (Court of Administration Ms. Allen) or Ms. Kohn hasn't informed y'all yet.

I feel confident at least one of the four people copied on the 31 August 2020 letter has already made the Court of Appeals aware of this situation, but in the remote possibility that none of the four material witnesses has done so by now, I'm sending these two documents to be appended to the motion from last Tuesday.

To be transparent though, and for multiple reasons, some of which are now quite obvious based on the motion from last week and this letter motion, I have not paid Ms. Christine Smith yet. One reason which may or may not be so obvious I will clarify now though. In the spirit of *"Fool me once, shame on you. Fool me twice, shame on me"*, since Ms. Christine Smith has already produced more than one false transcript in these matters, I will be suing her personally, her employer Charleston County, and her employer's business partner, Sandlapper Reporting, LLC as well as hopefully managing to get Capt. Prodan of the SC Law Enforcement Division, the person they cite as their Public Corruption Expert, to do the proper thing related to these false transcripts.

Please let me know if I need to pay y'all another \$50 to have these two exhibits included with the motion from last week. If so, I will put a check in the mail tomorrow, 14 December 2020 when I hear from you. I will also be mailing this information to all the same parties I mailed the motion to last week. I will even go ahead and fill out a Certificate of Service to submit with this letter and the two exhibits.

Best regards,

A handwritten signature in black ink, appearing to read "Alan Nix", written in a cursive style.

Alan Nix

**THE STATE OF SOUTH CAROLINA
In The 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**

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 Appellants' letter and/or motion to include two additional exhibits with the motion filed 8 December 2020 related to Ms. Allen's Order to Dismiss filed 24 November 2020 has been served upon the individuals listed below by mailing and emailing a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 14th day of December 2020 to:

Plaintiff Attorneys:
Ryan McCabe & Stephanie Trotter

Todd M. Musheff, Esq.

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

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., Ste. 266
Charleston, SC 29401

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

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

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

First Federal Savings & Loan Association
of Charleston dba CenterState Bank, N.A.
c/o Nicole Comer
700 Gervais St.
Columbia, SC 29202

State Street Holdings, LLC
c/o MP Morris Law Firm
336 Old Chapin Rd.
Lexington, SC 29072

CenterState Bank, N.A.
Office of General Counsel
1951 8th Street NW
Winter Haven, FL 33881

Peter McCoy
U.S. Attorney, South Carolina
1441 Main St., Ste. 500
Columbia, SC 29201

John Nichols
Office of Disciplinary Counsel
1220 Senate St.
Columbia, SC 29201

Judge Murphy
5200 East Jim Bilton Blvd.
St. George, SC 29477

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

Joe Dawson
Charleston County Attorneys
4045 Bridge View Dr.
Charleston, SC 29405

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


Chief Keel
SC Law Enforcement Div
4400 Broad River Rd.
Columbia, SC 29210

Kevin Mimsi
Luzuriaga Mims
50 Immigration St.
Charleston, SC 29403

Dated: December ¹⁴~~8~~, 2020

Respectfully submitted,

By:



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

Exhibit

D

31 August 2020

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Desiree Allen
Court Reporter Program Manager
SC Court Administration
1220 Senate St., Ste. 200
Columbia, SC 29201

RE: transcript request forms for cases 2014-CP-10-05407 and 2017-CP-10-04031

Ms. Allen.

Please find enclosed two transcript request forms for transcripts for cases 2014-CP-10-05407 and 2017-CP-10-04031 for 20 August 2020 in Charleston County. I need the transcripts expedited to see exactly what happened to whom by whom in these two cases week before last. I just got home today from being out of town since the 24th and found a notice from Ms. Armstrong.

Also, I still haven't received anything from you or anyone else about the transcript for case 2019-CP-10-01496 from 28 January 2020. If there is some type of a problem with that, please let me know soonest.

Best regards,



Alan Nix

cc.
McCabe Trotter and Beverly
4500 Fort Jackson Blvd.
Columbia, SC 29209

Scarborough
100 Broad St., Ste. 266
Charleston, SC 29401

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

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

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>ALAN NIX</u>	Phone Number <u>843.991.4170</u>	Email Address <u>RNIXI@HOTMAIL.COM</u>	
Mailing Address <u>140 DENSWORTH CIRCLE</u>	City <u>MT. PLEASANT</u>	State <u>SC</u>	Zip Code <u>29466</u>
Transcript Information			
Docket Number <u>2014-CP-D-05407</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>CUNNINGHAM PATRICIA ALAN G NIX AND NORMA J. NIX</u>		
Date(s) of Proceeding <u>20 AUGUST 2020</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>CHARLESTON</u>	
Presiding Judge <u>SCARBOROUGH</u>	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) <u>DO NOT KNOW</u>	Opposing Counsel <u>MCCABE TROTTER</u> <u>SARAH SCHREIBER</u>		

Requestor's Signature: *Alan Nix*
(Typed name will serve as signature)

Date: 31 AUG 2020

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name	Date Received	Email Address	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount: _____			
Mailing Address for Payment	City	State	Zip Code

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>ALAN NIX</u>	Phone Number <u>843-991-4770</u>	Email Address <u>AGNIX2@HOTMAIL.COM</u>	
Mailing Address <u>1401 DENSHORE CIRCLE</u>	City <u>MT. PLEASANT</u>	State <u>SC</u>	Zip Code <u>29466</u>
Transcript Information			
Docket Number <u>2017 CP-10-04081</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>CHURCHILL PARK v ALAN G NIX, NORMAN J NIX & ESTATE OF NORMAN NIX</u>		
Date(s) of Proceeding <u>20 Aug 2020</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>CHARLESTON</u>	
Presiding Judge <u>SCARBOROUGH</u>	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) <u>DO NOT KNOW</u>	Opposing Counsel <u>MCCABE TROTTER SOUTH SCYREBER</u>		

Requestor's Signature: Alan Nix
(Typed name will serve as signature)

Date: 31 Aug 2020

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name	Date Received	Email Address	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment	City	State	Zip Code

Exhibit

E

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@scaccas.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>ALAN NIX</u>	Phone Number <u>843-991-4170</u>	Email Address <u>AGENIX1@HOTMAIL.COM</u>	
Mailing Address <u>1401 DENSMORE CIRCLE</u>	City <u>MT. PLEASANT</u>	State <u>SC</u>	Zip Code <u>29466</u>
Transcript Information			
Docket Number <u>2017 CP-10-04031</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>CHURCHILL PARK v ALAN G NIX, NORMAN J NIX & ESTATE OF NORMAN NIX</u>		
Date(s) of Proceeding <u>20 Aug 2020</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>CHARLESTON</u>	
Presiding Judge <u>SCARBOROUGH</u>	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) <u>DO NOT KNOW</u>	Opposing Counsel <u>MCCABE TROTTER</u> <u>SOUTH SCYRE/BETL</u>		

Requestor's Signature: *Alan Nix*
(Typed name will serve as signature)

Date: 31 Aug 2020

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name <u>CHRISTINE A. SMITH</u>	Date Received <u>9-2-20</u>	Email Address <u>CASMITH@CharlestonCounty.org</u>	
Notice of Estimate to Requestor Party Date: <u>9/2/20</u> Number of Pages: <u>23</u>		Estimated Amount: <u>\$104.65 (Regular delivery)</u>	
Mailing Address for Payment <u>P.O. Box 30276</u>	City <u>Charleston</u>	State <u>SC</u>	Zip Code <u>29417</u>

Reg. Delivery 2 weeks to 30 days.
Expedited - under 10 days.
\$120.75.
must be paid up front via money order or certified bank check.
Time does not start until payment is received.
C.A. Smith