

94437

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

JUL 19 2021

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**SC Court of Appeals**

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

Case Nos.: 2017-CP-10-04031 and  
2014-CP-10-05407 and  
2018-CP-10-03315

Appellate Case No. 2021-00074

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

Appellants,

v.

Churchill Park,  
(not to be confused with the Real Party in  
Interest, Churchill Park Homeowners'  
Association, Inc.)

Respondent,

**APPELLANTS' MOTION TO REMAND CASE TO CHARLESTON COUNTY CIRCUIT  
COURT TO SORT OUT, WITH FINALITY, THE ONGOING TRANSCRIPT ISSUE  
FROM SCARBOROUGH'S EX PARTE HEARING OF 7 JANUARY 2021**

## BACKGROUND AND ARGUMENT

Since Appellant Alan Nix couldn't file any SCRPC Rule 59 motions related to these Orders due to Murphy's still obviously improper and misleading Order entitled ORDER ENJOINING THE PLAINTIFF FROM RE\_FILING THIS MATTER AND IMPOSING SANCTIONS UPON THE PLAINTIFF (case 2018-CP-10-03315), Appellant Alan Nix just went ahead and filed this additional appeal of Scarborough's Orders filed 31 December 2020 and 8 January 2021 on 19 January 2021. Both orders are again included as exhibits in this motion.

Six days later on the evening of 25 January 2021, Appellant Alan Nix was arrested by the Charleston County Sheriff's Office (in rather grand fashion I might add) at the Sam's Club gas pumps in the Tanger Shopping Center of North Charleston, SC; primarily for allegedly intimidating the victim and witness identified as one Joe Dawson, "*who is an attorney that represents the County of Charleston*". (See affidavits dated 21 and 22 January 2021). The next afternoon, 26 January 2021, Magistrate Haselden issued the attached BAIL PROCEEDING FORM II Order and Appellant Alan Nix remained involuntarily incarcerated in the Sheriff Al Cannon (Esq.) Detention Center for the next fourteen days. After Appellant Alan Nix was finally able to check out of the Sheriff Al Cannon (Esq.) Detention Center late afternoon on 9 February 2021, and subsequently somewhat recovered from his much less than pleasant two plus week stay at the Sheriff Al Cannon (Esq.) Detention Center, Appellant Alan Nix ordered the transcript for the ex parte hearing of 7 January 2021 from SC Court Administration by way of letter dated 22 February 2021. (Included as exhibit) To clarify, given Appellant Alan Nix was not at the ex parte hearing of 7 January 2021 and had just involuntarily spent over two weeks of less than pleasant time at the Sheriff Al Cannon (Esq.) Detention Center, Appellant was of the opinion that he would rather not return to the Sheriff Al Cannon (Esq.) Detention Center anytime in the near future for violating Haselden's BAIL PROCEEDING FORM II Order dated 26 January 2021. Thus, Appellant Alan Nix mailed the Transcript Request Form to Ms. Kohn's organization rather than Scarborough, Smith or any of Haselden's other New Alleged Victims which "*ARE AS FOLLOWS: ENTIRE MASTER AND EQUITY OFFICE (CURRENT AND PREVIOUS) EMPLOYEES*): (Charleston County Magistrate) *LAURA BECK, KATIE BRUNSON, JAN ONEALE HEARN, CINDY YARBOROUGH, CHRISTINE SMITH, MIKELL SCARBOROUGH, MARTI DENNIS, RYAN CONNOR, SPENCER GILL, JUDY DAWKINS,*

*HUNTER JAMES, BARNWELL RASWELL, CHARLESTON COUNTY MAGISTRATE TOM LYNN*

Next Friday will be five months since Appellant Alan Nix mailed the Transcript Request Order Form to Ms. Kohn's organization for the transcript from Scarborough's ex parte hearing of 7 January 2021. In an attempt to bring resolution to this ongoing issue, Appellant Alan Nix sent letters about this issue in early May and twice more in mid and late June 2021. In the second letter from June 2021, Appellant Alan Nix even referred Court Administration to Ms. Solicitor Scarlet Wilson since it appears logical that Ms. Wilson would have certainly obtained a copy of this important transcript of Scarborough's 7 January 2021 ex parte hearing as part of her investigation of Appellant Alan Nix's alleged 21 January 2021 intimidation of the alleged victim and actual witness Joe Dawson, "*who is an attorney that represents the County of Charleston*".

Despite these multiple attempts by Appellant Alan Nix, granted more than slightly obstructed by Haselden's BAIL PROCEEDING FORM II Order dated 26 January 2021, Appellant continues to be totally unable to obtain a copy of this required transcript to further these appeals. Of even greater concern at this point in time, and on information and belief, Court Administration has not only also failed to obtain this transcript but Court Administration hasn't even been able to identify the court reporter that was present at Scarborough's ex parte hearing of 7 January 2021. Hence, almost six months later, there continues to be no resolution to this issue and not even a remotely obvious path to bringing final resolution to this seemingly never ending premeditatedly created fiasco.

Given the number of appeals that the SC Court of Appeals has dismissed for transcript issues previously, and this Appellant's fear that this same solution is part of the plan to prevent these appeals from ever gaining any traction well, Appellant believes the only logical solution at this point in time, over six months later, is to return the case back to the Charleston County Circuit Court so all necessary proceedings before a judge with no conflicts of interest and with actual subject matter jurisdiction can be held to hopefully bring proper and final resolution to these long term issues.

In support of this motion, Appellant Alan Nix states that:

1. Appellant was not at the ex parte hearing of 7 January 2021. (Hence, the ex parte description)

2. Appellant Alan Nix didn't receive notice of the ex parte hearing of 7 January 2021.
3. Appellant Alan Nix didn't know about the ex parte hearing of 7 January 2021 until the other witness to Joe Dawson's (*who is an attorney that represents the County of Charleston*) alleged intimidation emailed Appellant the order filed 8 January 2021 on Saturday afternoon, 9 January 2021.
4. Appellant Alan Nix still has no idea what correspondence the court "*received from the Defendant, Alan G. Nix, subsequent to the issuance of the Writ of Assistance*"; no idea how the court received such correspondence, nor the basis the court found all of this still unidentified correspondence to so obviously "*be without merit*".
5. Appellant Alan Nix, despite numerous attempts, hasn't even been able to identify anyone that was at, or is willing to admit that they were at, or knows someone that was at the 7 January 2021 ex parte hearing.

Since Appellant Alan Nix was not at the ex parte hearing of 7 January 2021, and can't contact Scarborough or have any other third party find out any details about Scarborough's ex parte hearing of 7 January 2021 without violating Haselden's BAIL PROCEEDING FORM II Order dated 26 January 2021 and getting thrown back into the Sheriff Al Cannon (Esq.) Detention Center for an untold amount of time, Appellant Alan Nix is completely out of ideas of how to solve this long term process issue unless these cases are returned to the Charleston County Circuit Court for final resolution.

WHEREFORE, Appellants respectfully requests this Court:

1. Grant this request to return these cases to the Charleston County Circuit Court to resolve this ongoing issue of obtaining a verifiably complete and correct transcript of Scarborough's ex parte hearing of 7 January 2021.
2. Place these appeals on hold until the Charleston County Circuit Court holds and properly concludes all necessary proceedings to fully resolve these issues.
3. Proactively deny any motions under Rule 60(a), SCRCRCP which Scarborough or anyone else may request to amend any Orders, including but not limited to Ms. Armstrong's Order of Reference from November 2014 for case 2014-CP-10-05407.  
  
(Appellants can imagine that Scarborough, his attorney, Charleston County, the new Charleston County Attorney (to clarify, not the previous Charleston County Attorney

that was an alleged intimidation victim and actual witness on 21 January 2021), and/or the SC Insurance Reserve Fund might view this as an opportunity to try to change Ms. Armstrong's November 2014 Order of Reference to something other than *Richland* or a number greater than sixty days)

4. Officially request Chief Keel's new Public Corruption unit to launch an investigation into this multi year fraud, extortion and cover up scheme.
5. Any other and further relief as the Court deems just, prudent and proper.

July 15, 2021

Respectfully submitted,



---

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

Ex. A  
4 PAGES

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
Churchill Park

Plaintiff,

vs.

Alan G. Nix; and The Estate Of Norma J.  
Nix,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2017-CP-10-04031

**ORDER**

This matter came before the court on January 7, 2021.

The court issued an Order for Writ of Assistance on December 31, 2020 ordering the ejection of Defendant Alan Nix from his former property on January 22, 2021 at 12 Noon pursuant to this court's Final Order of Judgment filed November 9, 2017.

The Master's Final Order of Judgment filed November 9, 2017 states in paragraph 14, "[t]he undersigned will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a Writ of Assistance."

On December 21, 2020, Michael Morris, attorney for State Street Holdings, LLC, the successful purchaser at the foreclosure sale, filed a Summons and Motion for Writ of Assistance. The Motion for Writ of Assistance requested that this court issue its Rule to Show Cause and an Order granting a Writ of Assistance.

Acting pursuant to the Supreme Court of South Carolina Order Re: Operation of the Trial Courts During the Coronavirus Emergency (as Amended December 16, 2020), Appellate Case No. 2020-000447, this court determined the Rule to Show Cause hearing is not necessary.

As to the Order for Writ of Assistance, the court determined to elect not to hold a hearing because the Motion may be readily decided without further input. Appellate Case No. 2020-000447 (c)(4). The court pursuant to its usual procedure, wherein the court retained jurisdiction to issue a Writ of Assistance without need for an additional hearing, issued its Order for Writ of Assistance on December 31, 2020 ordering Mr. Nix to vacate on or before January 22, 2021.

The court finds the correspondences received from the Defendant, Alan G. Nix, subsequent to the issuance of the Writ of Assistance, to be without merit and, hereby affirms its ruling issued December 31, 2020 to evict Mr. Nix if he does not voluntarily leave. Therefore,

**IT IS HEREBY ORDERED** that no further hearings need be held on the Motion for Writ of Assistance,

**IT IS FURTHER ORDERED** that State Street, the new owner of the property, is entitled to recover possession of the premises described as follows:

All that certain piece, parcel, or lot of land, together with the improvements thereon, situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being more particularly shown and delineated as Lot "22" on that certain Plat by Southeastern Surveying, Inc., entitled "A Final Subdivision Plat Of Churchill Park, Phase III, Parcel 10, Parkwest Owned By C. Richard Dobson Builders, Inc., Located In The Town Of Mount Pleasant Charleston County, South Carolina", dated December 31, 1999, and recorded in Plat Book ED at Page 904, in the Register of Deeds Office for Charleston County, South Carolina. Said lot having such size, shape, dimensions, butting's, and bounding's as will by reference to said Plat more fully appear. Being a portion of the property conveyed to the grantor herein by deed from Venture Management of South Carolina, LLC dated August 12, 1999 and recorded in the Register of Deeds Office for Charleston County in Book C334 at Page 486 on September 09, 1999.

Subject to any and all easements, restrictions, rights-of-way or other zoning ordinances which may appear of record in Charleston County.

TMS: 598-03-00-096

Derivation: This being the same property conveyed to Alan G. Nix and Norma J. Nix by deed of C. Richard Dobson Builders, Inc dated July 13, 2001 and recorded July 20, 2001 in Book 377 at Page 595; thereafter conveyed to Sate Street Holdings, LLC by Master's Deed recorded on December 9, 2020 in Book 0941 at Page 914 in the Office of the Register of Deeds for Charleston County.

Property Address:  
1401 Densmore Circle  
Mt. Pleasant, SC 29466

**IT IS FURTHER ORDERED** that, upon service of a copy of this Order, the Sheriff of Charleston County, South Carolina or his authorized deputies is, and they hereby are, directed and authorized to post a copy of this Order, and/or serve a copy of this Order upon the Occupant(s) of the referenced property.

**IT IS FURTHER ORDERED** that not less than ten (10) days subsequent to said posting or service, the Sheriff shall be authorized to enter upon the afore-described premises, by force if necessary, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all of their possessions, and to put State Street in full, peaceful and quiet possession of the premises without delay, and thereafter, within ten (10) days, make due return to the Clerk of Court for Charleston County, South Carolina, showing how this Order has been executed.

**IT IS FURTHER ORDERED** that the property described herein be vacated by **12 o'clock Noon on January 22, 2021.**

**AND IT IS SO ORDERED.**

**[ELECTRONIC SIGNATURE PAGE TO FOLLOW]**



Charleston Common Pleas

**Case Caption:** Churchill Park VS Alan G Nix , defendant, et al  
**Case Number:** 2017CP1004031  
**Type:** Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2021-01-07 14:40:44 page 4 of 4

Ex. B  
4 PAGES

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

Churchill Park

Plaintiff,

vs.

Alan G. Nix; and The Estate Of Norma J.  
Nix,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2017-CP-10-04031

WRIT OF ASSISTANCE

(3001-20060)

**THIS WRIT OF ASSISTANCE APPLIES TO ALL OCCUPANTS AND PERSONAL PROPERTY LOCATED WITHIN OR ON THE PROPERTY DESCRIBED BELOW.**

Pursuant to the Final Order filed on November 9, 2017, the undersigned retained jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a Writ of Assistance.

This matter came before me pursuant to a motion filed by State Street Holdings, LLC (hereinafter "State Street") seeking a Writ of Assistance ordering and directing the Sheriff of Charleston County to remove peaceably or forcibly any occupant of the property located at 1401 Densmore Circle, Mount Pleasant, South Carolina 29466 together with all of the personal property located within or on the subject premises.

It appears that the subject premises was sold by public auction on October 6, 2020. As a result of said sale, State Street became the owner of the subject property by virtue of a Master's Deed recorded on December 9, 2020 in Book 0941 at Page 914 in the office of the Register of

ELECTRONICALLY FILED - 2020 Dec 31 10:17 AM - CHARLESTON - COMMON PLEAS - CASE#2017CP1004031

Deeds for Charleston County. State Street is entitled to possession of the subject premises.  
Therefore,

**IT IS HEREBY ORDERED** that State Street is entitled to recover possession of the premises described as follows:

All that certain piece, parcel, or lot of land, together with the improvements thereon, situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being more particularly shown and delineated as Lot "22" on that certain Plat by Southeastern Surveying, Inc., entitled "A Final Subdivision Plat Of Churchill Park, Phase III, Parcel 10, Parkwest Owned By C. Richard Dobson Builders, Inc., Located In The Town Of Mount Pleasant Charleston County, South Carolina", dated December 31, 1999, and recorded in Plat Book ED at Page 904, in the Register of Deeds Office for Charleston County, South Carolina. Said lot having such size, shape, dimensions, butting's, and bounding's as will by reference to said Plat more fully appear. Being a portion of the property conveyed to the grantor herein by deed from Venture Management of South Carolina, LLC dated August 12, 1999 and recorded in the Register of Deeds Office for Charleston County in Book C334 at Page 486 on September 09, 1999.

Subject to any and all easements, restrictions, rights-of-way or other zoning ordinances which may appear of record in Charleston County.

TMS: 598-03-00-096

Derivation: This being the same property conveyed to Alan G. Nix and Norma J. Nix by deed of C. Richard Dobson Builders, Inc dated July 13, 2001 and recorded July 20, 2001 in Book 377 at Page 595; thereafter conveyed to Sate Street Holdings, LLC by Master's Deed recorded on December 9, 2020 in Book 0941 at Page 914 in the Office of the Register of Deeds for Charleston County.

Property Address:  
1401 Densmore Circle  
Mt. Pleasant, SC 29466

**IT IS FURTHER ORDERED** that, upon service of a copy of this Order, the Sheriff of Charleston County, South Carolina or his authorized deputies is, and they hereby are, directed and

authorized to post a copy of this Order, and/or serve a copy of this Order upon the Occupant(s) of the referenced property.

**IT IS FURTHER ORDERED** that not less than ten (10) days subsequent to said posting or service, the Sheriff shall be authorized to enter upon the afore-described premises, by force if necessary, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all of their possessions, and to put State Street in full, peaceful and quiet possession of the premises without delay, and thereafter, within ten (10) days, make due return to the Clerk of Court for Charleston County, South Carolina, showing how this Order has been executed.

**IT IS FURTHER ORDERED** that the property described herein be vacated by 12 o'clock Noon on January 22, 2021.

**AND IT IS SO ORDERED.**

\_\_\_\_\_  
Mikell R. Scarborough  
Master in Equity for Charleston County

Charleston, South Carolina  
\_\_\_\_\_, 20\_\_



Charleston Common Pleas

**Case Caption:** Churchill Park VS Alan G Nix , defendant, et al  
**Case Number:** 2017CP1004031  
**Type:** Order/Writ Of Assistance

So Ordered

s/Mikell R. Scarborough 3062

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

AFFIDAVIT

OCA # 2021-000600

Personally appeared before me, a magistrate of this County, one Sgt. C. Craven, who, first being duly sworn, deposes and says that

**Alan Gregory Nix**

did within this County and State on or about the 21<sup>st</sup> day of January 2021 violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE**  
**Intimidation of Court Officials**  
**16-9-340**

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on January 21, 2021, while at 4045 Bridge view Drive , North Charleston S.C., in the County of Charleston and State aforesaid, the above named defendant, **Alan Gregory Nix**, did commit the offense of violation section 16-9-340 of the South Carolina State Code of Laws, 1976 as amended, **Intimidation of Court Officials**, in that he did willfully and unlawfully, provided written communications to intimidate the deputies of the Charleston County Sheriff's Office into not enforcing a Writ of Assistance signed by Master in Equity Mikell R. Scarborough on December 30, 2020 (2017CP1004031) ordering the property to be vacated by 12:00 P.M. on January 22, 2021."

That on January 21, 2021, the defendant arrived at the Charleston County Legal office and provided copies of court documents, and on the cover page a handwritten note stating "Joe, Here is the Headline: shootout & standoff between Charleston County Sheriff 's Office & Homeowner Intentionally & Premeditatedly set up by corrupt Judge, Mikell Scarborough"

The above information was revealed through the investigation of Sgt. C. Craven and the victim identified as Joe Dawson who is an attorney that represents the County of Charleston are witnesses to prove the same against the form of the statute in such case made and provided against the peace and dignity of the State.

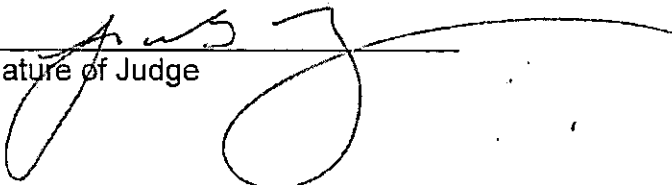
Sworn to and Subscribed before me

This 21 day of Jan, 2021\_\_\_\_\_



Affiant  
3691 Leeds Ave  
North Charleston, SC 29405  
843-202-1700

Signature of Judge



22 February 2021

Alan Nix  
1401 Densmore Circle  
Mt. Pleasant, SC 29466

Jenny Abbott-Kitchings  
Clerk of Court, SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

Desire Allen  
Court Reporter Program Manager  
1220 Senate St.  
Columbia, SC 29201

RE: Transcript Request: 7 January 2021, Case Number: 2017-CP-10-04031 and 2014-CP-10-05407: "Churchill Park" v. Alan G. Nix, Norma J. Nix and the Estate of Norma J. Nix

Ms. Allen and Ms. Kitchings.

Please find enclosed a copy of a transcript request for the transcript for the apparent hearing in these matters from 7 January 2021.

I was not notified this hearing was taking place so the only information I have about it is the order Sgt. Craven emailed me on 9 January 2021. A copy of the four page order is included for reference and is one of the same orders I appealed on 19 January 2021 under appeal 2020-001304.

To further significantly complicate matters in being able to request this transcript without getting thrown in jail again by Charleston County, please see the three page order included titled "Bail Proceeding Form II". Specifically the second page under "Other Conditions". As you can see, I can't contact verbally, electronically, by phone, social media, in writing, **OR BY THIRD PARTY** any of the new Alleged Victims nor Family Members of the new Alleged Victims at any of the new Alleged Victim's Residences, Schools, Businesses and/or Works.

Since this "Other Condition" applies to "ENTIRE MASTER AND EQUITY OFFICE (CURRENT AND PREVIOUS) EMPLOYEES): LAURA BECK, KATIE BUIRUNSON, JAN ONEALE HEARN, CINDY YARBOROUGH, **CHRISTINE SMITH, MIKELL SCARBOROUGH,** MARIT DENNIS, RYAN CONNOR, SPENCER GILL, JUDY DAWKINS, HUNTER JAMES, BARNWELL RASWELL, I imagine you all can tell the pickle this BAIL PROCEEDING FORM II has placed us in relative to ordering the transcript for this apparent hearing that occurred on 7 January 2021.

So, what I really need your assistance with is to figure out who the court reporter was on 7 January 2021, and if it is any of those new Alleged Victims in Judge Haselden's BAIL PROCEEDING FORM II, or their FAMILY MEMBERS, I need y'all to figure out how to request that transcript from them without letting them know I asked you to request that transcript cause, if y'all let them know I'm the one requesting this transcript, then I'm pretty sure you would be

considered one of those "THIRD PARTY("s) and I will be thrown back in the Sheriff Al Cannon Detention Center for another two plus weeks. (I'm guessing a lot longer than two weeks this time since it was pretty darn difficult to get out of jail in fifteen days just recently and obviously this BAIL PROCEEDING FORM II trap is set with the hopes of letting me spend a lot more quality time in the Sheriff Al Cannon Detention Center....)

Another note about Judge Haselden's BAIL PROCEEDING FORM II Order from 26 January 2021. You will note that I cannot go back within a FIVE mile radius of 1401 DENSMORE CIRCLE. That is obviously my family's home and where my mail box is located. I'm trying to sort out how to handle mail at the moment and hoping that may be sorted better by the end of this week. For now, just send it to my normal mailing address and if it gets returned or if I don't get something from you in the next ten days, I will contact you again with a different plan.

Best regards,



Alan Nix

cc.

Stephanie Trotter  
McCabe Trotter  
4500 Fort Jackson Blvd.  
Columbia, SC 29209

Chris Craven  
Charleston County Sheriff's Dept.  
3691 Leeds Ave. .  
Charleston, SC 29405

M.P Morris  
M.P. Morris Law Firm  
336 Old Chapin Rd.  
Lexington, SC 29072

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

Todd Musheff  
Law Office of Todd Musheff  
1121 Park West Blvd., Ste. B141 (Pak Mail)  
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](mailto: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>AGNIX1@HOTMAIL.COM</u>	
Mailing Address <u>1401 DENSMORE CIRCLE</u>	City <u>MOUNT PLEASANT</u>	State <u>SC</u>	Zip Code <u>29406</u>
Transcript Information			
Docket Number <u>2014-CP-10-05407</u>			
Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>"CHURCHILL PARK" V. ALAN NIX, NORMA J. NIX + ESTATE</u>			
Date(s) of Proceeding <u>7 JAN 2021</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>CHARLESTON</u>	
Presiding Judge <u>MIKELL SCARBOROUGH</u>	Expedited Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Court Reporter(s) <u>MOST LIKELY CHRISTINE SMITH</u>	Opposing Counsel <u>STEPHANIE TROTTER, CHRIS CRAVEN + TODD MUSHEFF + M.P. MORRIS</u>		

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

Date: 22 FEB 2021

**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 _____

**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

*AN*

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 STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

JUL 19 2021

**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. 2021-00074

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 Appellant Alan Nix's motion to remand this case to the lower court 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 16<sup>th</sup> day of July 2021 to:

McCabe & 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. B148 (Pak Mail)  
Mount Pleasant, SC 29466

M.P. Morris  
M.P. Morris Law Firm  
336 Old Chapin Rd.  
Lexington, SC 29072

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  
(also Scarborough's attorney?)

Ryan Dukes  
Seaboard Station LLC  
521 Caro Ln.  
Chapin, SC 29036  
(mortgagor for State Street Holdings Co. LLC)

Auto Owners Insurance Co.  
6101 Anacapri Blvd.  
Lansing, MI 48917  
(insurance carrier for Churchill Park  
Homeowners' Association, Inc.)

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

Rep. Ryan McCabe  
SC House of Representatives  
320A Blatt Bldg.  
Columbia, SC 29201

Anne Smith  
SC Insurance Reserve Fund  
1201 Main St., Ste. 500.  
Columbia, SC 29201

Natalie Ham  
Charleston County Attorney  
4045 Bridge View Dr.  
Charleston, SC 29405  
(Scarborough's staff's attorney? and  
Hasselden's attorney)

Chief Keel / New SLED Public Corruption Expert  
SC Law Enforcement Division  
4400 Broad River Rd.  
Columbia, SC 29210

Karama Bailey  
SC Court Administration  
1220 Senate St.  
Columbia, SC 29201

Bill Tuten  
Charleston County Administrator

Scarlett Wilson  
Solicitor, 9<sup>th</sup> Circuit


4045 Bridge View Dr.  
Charleston, SC 29405

O.T. Wallace Bldg.  
101 Meeting St.  
Charleston, SC 29401

Dated: July 15, 2021

Respectfully submitted,

By:



---

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

16 July 2021

Alan Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

**RECEIVED**

JUL 19 2021

**SC Court of Appeals**

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 Numbers: 2017-CP-10-04031, 2014-CP-10-05407 and 2018-CP-10-03315  
Appellate Case Number: 2021-00074

Ms. Abbott Kitchings,

Please find enclosed:

1. Motion to remand this case back to the Charleston County Circuit to finally sort out this transcript issue.
2. Proof of Service.
3. Check number 1178 in the amount of \$50.00 drawn on Navy Federal Credit Union.
4. Copies of the motion 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

PS. Ms. Abbott-Kitchings. Would you please generate and file with the Richland County Clerk of Court a full accounting of all payments I have made to the SC Court of Appeals since December 2017? Case number 2020-CP-40-06054. If this could be completed by sometime before Labor Day it would be very much appreciated.

SEAL



Retail

PRESS FIRMLY TO SEAL

FLAT RATE ENVELOPE  
POSTAGE REQUIRED

P

US POSTAGE PAID

\$7.95

Origin: 29602  
07/16/21  
4536230270-09

PRIORITY MAIL 2-DAY®

0 Lb 12.00 Oz  
1006

EXPECTED DELIVERY DAY: 07/18/21

SHIP TO:  
1220 SENATE ST  
Columbia SC 29201-3769

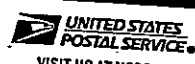
C076

USPS TRACKING® #



9505 5134 3507 1197 3864 44

PRIORITY  
★ MAIL ★



VISIT US AT USPS.COM  
ORDER FREE SUPPLIES ONLINE

FROM:

ALAN NIX  
1401 DENSMORE CIR  
Mt. Pleasant, SC 29466

TO:

S.C. COURT OF APPEALS  
1220 SENATE ST.  
COLUMBIA, SC 29201

RECEIVED

JUL 19 2021

SC Court of Appeals

Label 228, March 2016

FOR DOMESTIC AND INTERNATIONAL USE

INSURED



EP14F May 2020  
OD: 12 1/2 x 9 1/2

To schedule free Package Pickup,  
scan the QR code.



USPS.COM/PICKUP

This packaging is the property of the U.S. Postal Service and is provided solely for use in sending Priority Mail® and Priority Mail International® shipments. Misuse may be a violation of federal law. This package is not for resale. EP14F © U.S. Postal Service, May 2020. All rights reserved.