

20 September 2021

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SEP 22 2021
SC Court of Appeals

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

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

RE: follow up on 20/21 August 2021 60(b) motion, stamped copy not received yet. Churchill Park (the clearly fraudulent entity) v. Alan and Norma Nix Case Numbers: 2017-CP-10-04031 and 2014-CP-10-05407

Ms. Armstrong,

I am writing to follow up on the Rule 60(b) motion I mailed on 21 August 2021. A copy of the motion and the first exhibit are included for reference.

As of today, I have not received my stamped copy back. I haven't even received the original back with one of those colorful pages of yours which someone has, numerous times in the past, included with my original with a note in the "Other" category that says "*Unable to file these documents pursuant to Judge Murphy's order dated 9/27/19*" They also never sign in such a manner as to be able to read their name or initials.

Please ensure one of the two following actions are taken immediately, and no later than Thursday of this week, 23 Sept 2021.

1. Ensure this 60(b) motion is filed and my copy which I included in the filing with a postage paid envelope is placed in the actual USPS mail no later than 1500 on 23 Sept 2021.
2. Return the original with one of your colorful pages that says "*Unable to file these documents pursuant to Judge Murphy's order dated 9/27/19*" to Ms. Abbott Kitchings to be filed with the current appeal, or if absolutely necessary, another appeal.
 - a. Ms. Abbott-Kitchings, please email me at agnix1@hotmail.com if you receive the original from Ms. Armstrong with one of her colorful pages with the improper comment in the "Other" section which says "*Unable to file these documents pursuant to Judge Murphy's order dated 9/27/19*". Upon receipt of your email I will put a check in the mail to you for whatever amount you state I have to pay to appeal the returned original.

Judge Murphy. You are copied for notice and as another opportunity to clarify for Charleston County, Ms. Armstrong and Mr. Duncan what you actually meant with this still clearly improper order.

Mr. Duncan told me in October 2019 that you meant it to cover any motion or complaint that had the word "Churchill" in it and then one of Ms. Armstrong's other employees (female, 40's, dyed reddish hair) later told me that you had a private overview session with Ms. Armstrong's office to explain what you actually meant. This overall situation seems to be extremely improper, not to mention highly suggestive of an order that is not sufficiently clear and/or open to be utilized for improper purposes.

Given these sorts of shenanigans have now caused my family and I seven figure damages, not to mention illegal evictions and imprisonment, I suggest now would be a great last opportunity to put an official end to this conduct once and for all.

Thank you for your prompt assistance by no later than this Thursday, 23 Sept 2021. .

Best regards,



Alan Nix

cc.

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

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

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

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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

CHURCHILL PARK,

) CASE NUMBER: 2017-CP-10-04031
)

) And
)

) Plaintiff,
)

) 2014-CP-10-05407
)

) vs.
)

) **CERTIFICATE OF SERVICE**
)

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

) Defendants.
)

The undersigned hereby certifies that a copy of Defendant's 60(b) motion to set aside all Orders filed in these cases prior to Plaintiff's compliance with Chief Justice Beatty's 6 May 2020 Order requiring a CARES Act Certification was served upon all parties and/or their respective counsel of record via USPS, postage prepaid, in the United States Mail, addressed as shown, this 21st day of August 2021 to:

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

Todd M. Musheff, Esq.
Law Offices of Todd M. Musheff
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
(for Scarborough)

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

Auto Owners Insurance Co.
6101 Anacapi Blvd.
Lansing, MI 48917

Anne Smith
SC Insurance Reserve Fund
1201 Main St., Ste. 500.
Columbia, SC 29201
(for Scarborough)

Natalie Ham
Charleston County Attorney
4045 Bridge View Dr.
Charleston, SC 29405
(for Scarborough and CHS County)

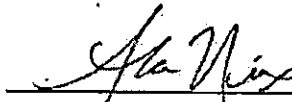
Bill Tuten
Charleston County Administrator
4045 Bridge View Dr.
Charleston, SC 29405

Scarlett Wilson
Solicitor, 9th Circuit
O.T. Wallace Bldg.
101 Meeting St.
Charleston, SC 29401

Dated: August 20, 2021

Respectfully submitted,

By: _____



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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
CHURCHILL PARK (incorp 31 July 2003))
 Plaintiff,)
 vs.)
)
ALAN NIX, NORMA NIX AND THE)
ESTATE OF NORMA NIX)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2017-CP-10-04031

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

| | |
|--|---|
| Plaintiff's Attorney: McCabe, Musheff & Trotter, Bar No. _____ Address: 4500 Fort Jackson Blvd., Columbia, SC 29209 and PakMail 1121 Parkwest Blvd, Mt. Pleasant, SC 29466 (box B148) Phone: _____ Fax _____ E-mail: _____ Other: _____ | Defendant's Attorney: Alan Nix, Bar No. Pro Se Address: 1401 Densmore Circle, Mt. Pleasant, SC 29466 Phone: 843.991.4170 Fax _____ E-mail: agnix1@hotmail.com Other: _____ |
|--|---|

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

SECTION I: Hearing Information
 Nature of Motion: SCRPC 60(b); set aside all Orders entered after 6 May 2020 without Plaintiff's Compliance with SC Supreme Court Order requiring CARES Act Certificate of Compliance be filed
 Estimated Time Needed: 20 mins Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.
 Signature of Attorney for Plaintiff / Defendant 20 August 2021
Date submitted

SECTION III: Motion Fee
 PAID - AMOUNT: \$ 25.⁰⁰ CH.# 1195
 EXEMPT: (check reason)

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

 Name of Court Reporter: _____
 Other: _____

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

the Coronavirus Aid, Relief, and Economic Security Act. For evictions and foreclosures filed on or after the date of this Order, the Certification of Compliance must be submitted along with the initial filing. For evictions and foreclosures filed before the date of this Order, the Certification of Compliance must be filed with the court prior to proceeding with the eviction or foreclosure. If a party required to file a Certification of Compliance neglects to do so the eviction or foreclosure shall terminate without further action taken.”

Chief Justice Beatty went on to state in the sixth paragraph of his *May 2020 SCSC CARES Act Order* “*IT IS FURTHER ORDERED that Master- in-Equity courts statewide shall not hold a foreclosure sale, or issue a judgment of foreclosure, writ of assistance, or writ of ejectment n a foreclosure action until the party pursuing the foreclosure has complied with the provisions of this Order.*”

II.

ARGUMENT

On information and belief, on or about 31 July 2020, McCabe, Musheff and Trotter mailed a Notice of Hearing for 20 August 2020 for case 2017-CP-10-04031.

On information and belief, on or about 20 August 2020, McCabe, Musheff and Trotter, representing “Churchill Park” (incorporated 31 July 2003) and Ms. Sarah Schreiber of Charleston Legal Access, representing Norma J. Nix and The Estate of Norma J. Nix, participated together in such a meeting with Scarborough.

On information and belief, on or about 20 August 2020, McCabe, Musheff and Trotter filed various documents with the court. On information and belief, none of these documents purported to be a Certification of Compliance as required by Chief Justice Beatty’s *May 2020 SCSC CARES Act Order*.

On information and belief, on or about 21 August 2020, Scarborough filed Orders in these cases. On information and belief, those Orders do not mention anything about a Certification of Compliance being filed as required by Chief Justice Beatty’s *May 2020 SCSC CARES Act Order*.

On information and belief, one issue contained in Scarborough's Orders filed on or about 21 August 2020 is that he improperly set a sales date for the Defendants' home located in the Churchill Park Subdivision of Mount Pleasant, more particularly 1401 Densmore Circle, to be sold at a foreclosure sale scheduled for 6 October 2020.

On information and belief, on or about 13 October 2020 McCabe, Musheff and Trotter mailed some or all of the various documents they filed with the Court on or about 20 August 2020 to Defendants. On information and belief, the documents received by Alan Nix did not contain any documents that appeared to be something that appeared to be a Certification of Compliance required by Chief Justice Beatty's *May 2020 SCSC CARES Act Order*.

On information and belief, on or about 6 October 2020 Scarborough held a foreclosure sale and improperly sold Defendants' home located in the Churchill Park Subdivision of Mount Pleasant, more particularly 1401 Densmore Circle, to State Street Holdings Co. LLC for \$136,000 plus interest.

On information and belief, Scarborough knowingly and willfully improperly signed a deed on 23 October 2020 purporting to transfer title to Defendants' home to State Street Holdings Co. LLC because they had purportedly fully complied with Mr. Marshall Overton's 6 October 2020 bid at the afore cited 6 October 2020 foreclosure sale.

On information and belief, Scarborough improperly filed a Writ of Assistance on 31 December 2020, attached as **Exhibit B**, requiring the Defendants to vacate their home by Noon on 22 January 2021 or be forcibly removed by the Charleston County Sheriff's Department.

On information and belief, Scarborough held a hearing on 7 January 2021 related to his 31 December 2020 Writ of Assistance Order. As of the date of this motion, Defendant Alan Nix does not know who attended this hearing, at what time it was held, when notifications about this hearing were mailed, or any other information about this hearing.

On information and belief, Scarborough filed an Order on 8 January 2021 affirming his 31 December 2020 Writ of Assistance Order. **Exhibit C.**

On information and belief, Scarborough has most likely taken other improper actions in these cases since 8 January 2021.

On information and belief, the Plaintiff in these cases, "Churchill Park" (incorporated 31 July 2003), have never, either through its Agents, Employees, Officers and/or Directors, or through its attorneys McCabe, Musheff and Trotter, filed a Certification of Compliance in these cases as required by Chief Justice Beatty's *May 2020 SCSC CARES Act Order*.

On information and belief, Scarborough engaged in all of these improper actions since May 2020 knowing, or having should have known, that the Plaintiff in these cases, "Churchill Park" (incorporated 31 July 2003), nor their Agents, Employees, Officers, Directors, or attorneys (McCabe, Musheff and Trotter) have never filed a Certification of Compliance in these cases as required by Chief Justice Beatty's *May 2020 SCSC CARES Act Order*.


Defendants' reserve the right to augment this motion with a memorandum in support of this motion to be filed prior to the hearing on this matter.

WHEREFORE, Defendants, respectfully requests the Court to:

1. Enter an Order setting aside all Orders in these cases which were entered prior to the Plaintiff in these cases, "Churchill Park" (incorporated 31 July 2003) filing a Certification of Compliance in these cases compliant with Chief Justice Beatty's May 2020 SCSC Care Act Order dated 6 May 2020.
2. Any and all other and further relief as the Court deems just, prudent, and proper.

August 20, 2021

Respectfully submitted,



Alan G. Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991-4170
agnix1@hotmail.com

The Supreme Court of South Carolina

RE: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions and Foreclosures Forms

ORDER

The federal Coronavirus Aid, Relief, and Economic Security Act was adopted into law March 27, 2020. The Act includes provisions for a nationwide moratorium on some, but not all, eviction and foreclosure actions.

I FIND it is appropriate to ensure that evictions and foreclosures filed in the trial courts of this State comply with the protections provided in the Coronavirus Aid, Relief, and Economic Security Act for certain tenants and homeowners.

Therefore, pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that any party pursuing an eviction or foreclosure in a trial court of this State must submit to the court a signed, original Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act. For evictions and foreclosures filed on or after the date of this Order, the Certification of Compliance must be submitted along with the initial filing. For evictions and foreclosures filed before the date of this Order, the Certification of Compliance must be filed with the court prior to proceeding with the eviction or foreclosure. If a party required to file a Certification of Compliance neglects to do so the eviction or foreclosure shall terminate without further action taken.

IT IS FURTHER ORDERED that magistrate courts statewide shall not issue a writ or warrant of ejectment in an eviction action until the party pursuing the eviction has complied with the provisions of this Order.

IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall not hold a foreclosure sale; or issue a judgment of foreclosure, writ of assistance, or writ of ejectment in a foreclosure action until the party pursuing the foreclosure has complied with the provisions of this Order.

IT IS FURTHER ORDERED that the Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions (SCCA256B) form, and the Certification of Compliance with the Coronavirus Aid, Relief, and

Economic Security Act in Foreclosures (SCCA256A) form are approved for use in the trial courts of this State effective as of the date of this Order.

This Order is effective immediately.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
May 6, 2020



Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

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SEP 22 2021

SC Court of Appeals

JENNIE ABBOTT - KITCHINGS
CLERK, SC COURT OF APPEALS
1220 SENATE ST.
COLUMBIA, SC 29201

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