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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Teasa K. Weaver, Master-in-Equity

C.A. No.: 2020-CCP-46-00549  
Appellate Case No. 2022-001650

LB PARK, LLC .....Respondent,

v.

San Juan Holdings, Bret Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; Ryan Powell; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 250056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the abovenamed Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023 ..... Defendants.

of whom Ryan Powell is the .....Appellant.

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**RETURN TO VERIFIED EMERGENCY EX-PARTE PETITION FOR INJUNCTION**

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LB PARK, LLC (“LB Park” or “Respondent”) submits this return in response to the Verified Emergency Ex-Parte Petition for Injunction (“Petition”) served by Ryan Powell on November 30, 2022. As more fully discussed in the order on appeal dated October 24, 2022, there is no basis for the relief requested by Powell and the Master has already set forth the amount of the required bond in the event Powell seeks a stay pending appeal.

This case stems from LB Park's years long efforts to quiet tax title and to obtain possession of 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023 (the "Property").

LB Park was the successful bidder for the Property at a tax sale held on November 6, 2017.

In its complaint, LB Park alleged:

16. Plaintiff is further informed and believes that upon the Court's issuance of its order declaring and confirming that Plaintiff's title is free and clear of such adverse interests and encumbrances or other claims to the Property, if any, as are or may be claimed or asserted by any of the defendants, Plaintiff is entitled to immediate possession of the Property, and that any tenants or parties in possession of the Property, must be evicted from and vacate the Property within a reasonable time to be determined by this Court.

(Complaint attached as Ex. 1). In its prayer for relief, LB Park sought the following:

1. With respect to Plaintiff's First Cause of Action, Plaintiff prays that judgment be entered in its favor against the defendants with a finding by the Court that any right, title, claim, interest, or lien in or to the Property arising from the interests of any of the defendants in the Property that they now claim or may claim in the future, be found to be junior or subsequent to Plaintiff's title, and that Plaintiff be provided a final and complete adjudication of the nature and extent of its title to the Property so that it may own, possess, and transfer clear title to the Property; *and that judgment be entered in Plaintiff's favor against the defendants and any other tenants or parties in possession of the Property with a finding by the Court that Plaintiff is entitled to immediate possession of the Property and ordering the York County Sheriff to evict and remove any tenants or parties in possession of the Property from the Property within a reasonable time as determined by the Court.*

2. With respect to Plaintiff's First Alternative Cause of Action, and only in the event that the tax sale of the Property is set aside or declared void, Plaintiff prays that judgment be entered in its favor against the party challenging the tax sale with a finding by the Court that Plaintiff is entitled to a refund of the tax sale bid, all Property taxes paid, all costs justly chargeable against the Property, and legal interest on the tax sale bid at the rate of 12% from the date of the tax sale on November 6, 2017, until paid, as provided in S.C. Code Ann. §§ 12-51-90, -100, together with pre-judgment interest, and that the Court order the party challenging the tax sale of the Property to refund these amounts to Plaintiff.

3. With respect to Plaintiff's Second Cause of Action, Plaintiff prays that judgment be entered declaring and reforming the Tax Deed, the quitclaim deed to Plaintiff, and all previous deeds in the chain of title to reflect the correct recording information for the Plat, which is Plat Book 73 at Pages 23-26.

4. Plaintiff also prays that the Court award it such other and further relief as the Court may deem just and proper.

(*Id.* (emphasis added)). Thus, possession of the Property has always been at issue in this case.

The matter was referred to the Master without limitation by order dated August 20, 2020. As such, the Master had “all power and authority which a circuit judge sitting without a jury would have in a similar matter.” Rule 53, SCRCF.

The Master’s order treats Powell’s litigation history with respect to the Property in detail, including his repeated efforts to avoid the payment of property taxes dating back to 2014 and his efforts to delay a merits determination as to LB Park. (Order at 4-14). In the meantime, LB Park has not been able to take physical possession of the Property, nor has it received any payments for the fair rental value of the Property.

In the order on appeal, the Master granted the requested relief to LB Park, including ordering the delivery of possession of the Property. (Order at 26-28). Orders of this type are exceptions to the automatic stay that generally attaches with a notice of appeal. *See* Rule 241(b), SCACR; S.C. Code Ann. § 18-9-170. The Master specifically addressed the issue of a stay as follows:

In the event that Powell appeals any ruling in this Final Order and as requested by Plaintiff at the hearing, the Court finds that there is no automatic stay applicable and the Property must be delivered to the Plaintiff. *See generally* Rule 261, SCACR. The ordered relief will only be stayed if Powell provides the bond required by S.C. Code Ann. § 18-9-170, which provides in relevant part:

If the judgment appealed from direct the . . . delivery of possession of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of

possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking.

S.C. Code Ann. § 18-9-170.

The Court finds that a bond in the amount of \$180,000.00 is appropriate. This amount is based on a monthly rental value of \$3,000 per month for a period of five years.

(Order at 23-24). Thus, the Master has provided Powell with a mechanism to stay the execution of the ordered relief by providing a bond representing the reasonable rental value of the property. This is consistent with the statute and Rule 241(c)(3), SCACR. Therefore, there is no basis for the emergency relief Powell seeks from this Court.

Powell's Petition simply ignores the Master's ruling with respect to S.C. Code Ann. § 18-9-170 and a bond. If Powell wishes a stay of execution, all he needs to do is comply with the Master's order. There is no emergency. Nor is any further relief needed to "preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot" as described in Rule 241(c)(2), SCACR. For all of these reasons, the Petition should be denied.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

*s/ Sarah P. Spruill*

\_\_\_\_\_  
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*Attorneys for Respondent*

*LB PARK, LLC*

December 8, 2022

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

Case No. 2020-CP-\_\_\_\_\_

LB PARK, LLC,

Plaintiff,

vs.

**SUMMONS  
(Non-Jury)**

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; Ryan Powell; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023,

Defendants.

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the Complaint on the subscriber at his office, Haynsworth Sinkler Boyd, P.A., 1201 Main Street, 22nd Floor (29201), Post Office Box 11889, Columbia, South Carolina (29211-1889), within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in this Complaint.

s/ Andrew M. Rawl  
A. Parker Barnes III, SC Bar No. 68359  
Andrew M. Rawl, SC Bar No. 102807

Haynsworth Sinkler Boyd, P.A.  
Post Office Box 11889  
Columbia, South Carolina 29211-1889  
(803) 779-3080

February 12, 2020

Attorneys for Plaintiff

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

Case No. 2020-CP-\_\_\_\_\_

LB PARK, LLC,

Plaintiff,

vs.

**COMPLAINT  
(Non-Jury)**

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; Ryan Powell; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023,

Defendants.

Plaintiff LB PARK, LLC (“Plaintiff”), complaining of the defendants herein, would respectfully allege and show unto this Court as follows:

1. Pursuant to S.C. Code Ann. §§ 12-61-10 to -60, Plaintiff asserts its Complaint against the defendants for the purpose of clearing title to real property known as 25056 Timberlake Drive, York County, South Carolina, tax map number 643-10-01-023 (the “Property”), which is herein below more specifically described and identified. Plaintiff’s title to the Property derives from a tax

deed resulting from a tax sale conducted by York County pursuant to statute and a subsequent quitclaim deed from the tax sale purchaser.

### **The Property**

2. The Property conveyed by the tax deed is more particularly described as follows:

All that certain piece or lot of land situated, lying or being in the County of York, State of South Carolina, being known and designated as Lot 56 of Tega Cay Section 25 as shown on plat recorded in the Office of the Clerk of Court for York County in Plat Book 85 at Page 129, and on plat recorded in Plat Book 73 at Pages 23-26, and being more recently shown and more particularly described in Plat Book 131 at Page 306, reference to which is hereby made for a more complete description.

Derivation: This being property conveyed to San Juan Holdings, Brett Osborne, the trustee, by Deed from Paramount Properties, Mark Muccl, the trustee, dated June 1, 2000 (probate says June 15, 2000), recorded June 27, 2000 in Book 3173, Page 343, Office of the Clerk of Court for York County, SC; being the same property conveyed to SB MUNI CUST % LBSC-11 LLC by Tax Title dated and recorded on December 26, 2018, in the Office of the Register of Deeds for York County in Deed Book 17337 at Page 73; and being the same property conveyed to LB Park, LLC by quitclaim deed dated January 7, 2019, and recorded in the York County Register of Deeds Office on January 10, 2019, in Book 17361, page 145.

TMS# 643-10-01-023.

### **Parties**

3. Defendant San Juan Holdings, Brett Osborne, the trustee (“San Juan”) obtained title to the Property by deed dated June 1, 2000, and recorded on June 27, 2000, in the York County Register of Deeds Office (the “ROD”) in Book 3173, page 343.

4. By virtue of the foregoing deed, Plaintiff is informed and believes that San Juan owned 100% of fee simple title to the Property prior to the tax sale. Accordingly, Plaintiff has named San Juan as a party to extinguish and eliminate any and all interests that San Juan has or may claim to have in, to, or upon the Property.

5. Plaintiff named Defendant Brett Osborne as Trustee of San Juan Holdings (“Osborne”) as a party due to the Notice of Sale, Transfer or Exchange dated December 20, 2012, and recorded on December 26, 2012, in the ROD in Book 13103, page 241 (the “Osborne Notice”).

6. Plaintiff is informed and believes that the Osborne Notice did not convey title or any other interest in the Property and that, after the Osborne Notice was recorded, title to the Property remained vested in San Juan. However, Plaintiff has named Osborne as a party to extinguish and eliminate the Osborne Notice as a cloud, impediment, or encumbrance upon the title to the Property.

7. Plaintiff is informed and believes that Defendant Ryan Powell has claimed to possess an unrecorded ownership interest in the Property. While Plaintiff denies that Defendant Ryan Powell has any interest in the Property, Plaintiff has named Defendant Ryan Powell as a party to provide him with notice of this proceeding and the opportunity to protect any interest he claims to have in the Property.

8. Defendants John Doe and Defendant Mary Roe and the other unknown defendants (collectively the “Unknown Defendants”) represent and include all unknown persons or entities having or claiming any right, title, or interest in or to, or lien upon, the Property.

9. The parties hereto, and the subject matter hereof, are within the jurisdiction of this Court.

**FIRST CAUSE OF ACTION**  
**(Action to Quiet Tax Title)**

10. Plaintiff re-alleges and incorporates herein by reference all of the above allegations.

11. SB MUNI CUST % LBSC-11 LLC (“SB MUNI”) purchased the Property at the York County tax sale held on November 6, 2017, with a bid of \$171,000.00. York County conveyed tax title to SB MUNI by tax deed dated and recorded on December 26, 2018, in the ROD in Book 17337, page 73 (the “Tax Deed”).

12. SB MUNI subsequently conveyed the Property to Plaintiff by quitclaim deed dated January 7, 2019, and recorded in the ROD on January 10, 2019, in Book 17361, page 145.

13. This Complaint is made for the purpose of clearing title to the Property against any and all claims, if any, as have been or may be raised by any of the defendants adverse to the title and ownership interests of Plaintiff acquired by the referenced tax sale proceedings, Tax Deed, and quitclaim deed.

14. In support of the status of Plaintiff's title and in support of this action to clear title by determination of Plaintiff's interests superior to other interests, specifically including any and all interests of the defendants, Plaintiff alleges as follows:

a. On or about November 6, 2017, the Property was sold to SB MUNI at a tax sale conducted by the taxing authorities for York County for unpaid ad valorem taxes.

b. Upon information and belief, the tax sale conducted by the taxing authorities for York County was prosecuted pursuant to the controlling tax sale statutes, S.C. Code Ann. §§ 12-51-40 to -170, including all requisite notices to the owner of record and any other parties in interest to the Property.

c. SB MUNI was the successful purchaser of the Property at the referenced tax sale, and the tax sale bid was paid in full pursuant to the notice of tax sale and was otherwise in accordance with the statutory proceedings.

d. None of the defendants or any other person or entity took any action in response to the notices or otherwise to redeem the Property, and the Property was conveyed by York County to SB MUNI through the Tax Deed.

e. SB MUNI subsequently conveyed the Property to Plaintiff by quitclaim deed dated January 7, 2019, and recorded in the ROD on January 10, 2019, in Book 17361, page 145.

15. Plaintiff is informed and believes that by reason of the Tax Deed conveyed to SB MUNI by York County in strict compliance with the controlling tax sale statutes and the subsequent

quitclaim deed to Plaintiff, Plaintiff is the owner of marketable fee simple title to the Property without regard to any outstanding or adverse claims of interest of any of the defendants, and that Plaintiff is entitled to an order of this Court declaring and confirming that its title is free and clear of such adverse lien interests and encumbrances or other claims to the Property, if any, as are or may be claimed or asserted by any of the defendants.

16. Plaintiff is further informed and believes that upon the Court's issuance of its order declaring and confirming that Plaintiff's title is free and clear of such adverse interests and encumbrances or other claims to the Property, if any, as are or may be claimed or asserted by any of the defendants, Plaintiff is entitled to immediate possession of the Property, and that any tenants or parties in possession of the Property, must be evicted from and vacate the Property within a reasonable time to be determined by this Court.

**FIRST ALTERNATIVE CAUSE OF ACTION  
(Action to Recover Amounts Due)**

17. Plaintiff re-alleges and incorporates herein by reference all prior paragraphs of its Complaint.

18. Only in the event that the tax sale of the Property is set aside or declared void, Plaintiff seeks to recover the amounts that the controlling authority requires be refunded and tendered to the Plaintiff, which includes a refund of the tax sale bid, a refund of all Property taxes paid, a refund of all costs justly chargeable against the Property, and interest at the statutory rate of 12% on the tax sale bid from the date of the tax sale until paid, as provided in S.C. Code Ann. §§ 12-51-90, -100, together with pre-judgment interest.

19. South Carolina law provides that, when a tax sale is set aside through litigation, the courts must treat it as the ultimate redemption and that the provisions of S.C. Code Ann. § 12-51-100 apply.

20. Pursuant to S.C. Code Ann. § 12-51-100, Plaintiff is statutorily entitled to a refund of the tax sale bid and the interest required by S.C. Code Ann. § 12-51-90. As the redemption period expired on November 6, 2018, Plaintiff is entitled to interest on the tax sale bid at the statutory rate of 12% from the date of tax sale as provided in S.C. Code Ann. § 12-51-90.

21. Plaintiff is also entitled to a refund of all property taxes that it has paid and all costs that they have paid that are justly chargeable against the Property.

22. As the amount of the tax sale bid, paid property taxes, costs justly chargeable against the Property, and legal interest are sums that are certain or are capable of being reduced to certainty, Plaintiff is further entitled to receive and seeks to recover pre-judgment interest.

23. Therefore, if the Court sets aside the tax sale of the Property, Plaintiff seeks judgment against the party challenging the tax sale of the Property for the amount of the tax sale bid, paid property taxes, costs justly chargeable against the Property, and legal interest at the rate of 12% on the tax sale bid from the date of the tax sale until paid, together with pre-judgment interest.

**SECOND CAUSE OF ACTION  
(Reformation of Tax Deed)**

24. Plaintiff reincorporates and re-alleges each of the foregoing allegations as fully as if repeated herein verbatim.

25. In relevant part, the legal description in the Tax Deed refers to a “. . . plat recorded in the Office of the Clerk of Court for York County in Plat Book 85 at Page 129, and on Plat Book 73 at Pages 22-26 . . . ” (the “Plat”). (Emphasis added.)

26. According to the applicable records for the Property maintained in the ROD, the Plat was actually recorded in the ROD in Plat Book 73 at Pages 23-26, not Pages 22-26. (Emphasis added.) A copy of the Plat is attached as Exhibit A.

27. Throughout the chain of title for the Property, the Plat is incorrectly referenced as being recorded in Plat Book 73 at Pages 22-26.

28. Therefore, Plaintiff seeks an Order of the Court reforming the Tax Deed, the quitclaim deed to Plaintiff, and all previous deeds in the chain of title to reflect the correct recording information for the Plat, which was actually recorded in Plat Book 73 at Pages 23-26.

WHEREFORE, for the reasons set forth above, Plaintiff prays for the following relief:

1. With respect to Plaintiff's First Cause of Action, Plaintiff prays that judgment be entered in its favor against the defendants with a finding by the Court that any right, title, claim, interest, or lien in or to the Property arising from the interests of any of the defendants in the Property that they now claim or may claim in the future, be found to be junior or subsequent to Plaintiff's title, and that Plaintiff be provided a final and complete adjudication of the nature and extent of its title to the Property so that it may own, possess, and transfer clear title to the Property; and that judgment be entered in Plaintiff's favor against the defendants and any other tenants or parties in possession of the Property with a finding by the Court that Plaintiff is entitled to immediate possession of the Property and ordering the York County Sheriff to evict and remove any tenants or parties in possession of the Property from the Property within a reasonable time as determined by the Court.

2. With respect to Plaintiff's First Alternative Cause of Action, and only in the event that the tax sale of the Property is set aside or declared void, Plaintiff prays that judgment be entered in its favor against the party challenging the tax sale with a finding by the Court that Plaintiff is entitled to a refund of the tax sale bid, all Property taxes paid, all costs justly chargeable against the Property, and legal interest on the tax sale bid at the rate of 12% from the date of the tax sale on November 6, 2017, until paid, as provided in S.C. Code Ann. §§ 12-51-90, -100,

together with pre-judgment interest, and that the Court order the party challenging the tax sale of the Property to refund these amounts to Plaintiff.

3. With respect to Plaintiff's Second Cause of Action, Plaintiff prays that judgment be entered declaring and reforming the Tax Deed, the quitclaim deed to Plaintiff, and all previous deeds in the chain of title to reflect the correct recording information for the Plat, which is Plat Book 73 at Pages 23-26.

4. Plaintiff also prays that the Court award it such other and further relief as the Court may deem just and proper.

s/ Andrew M. Rawl  
A. Parker Barnes III, SC Bar No. 68359  
Andrew M. Rawl, SC Bar No. 102807

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Post Office Box 11889  
Columbia, South Carolina 29211-1889  
(803) 779-3080

February 12, 2020

Attorneys for Plaintiff

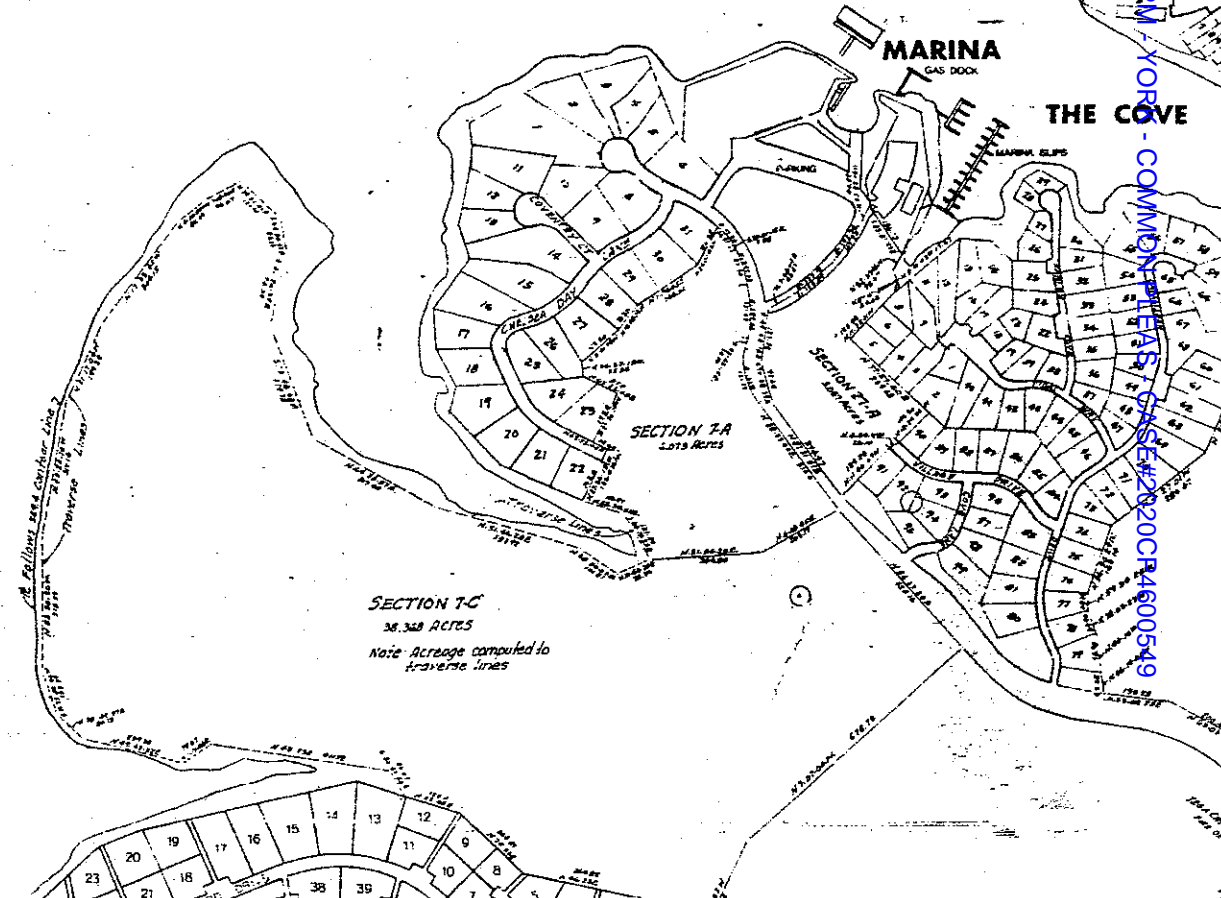
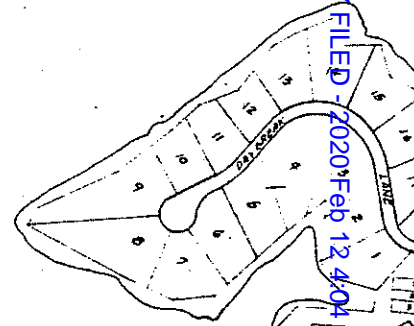
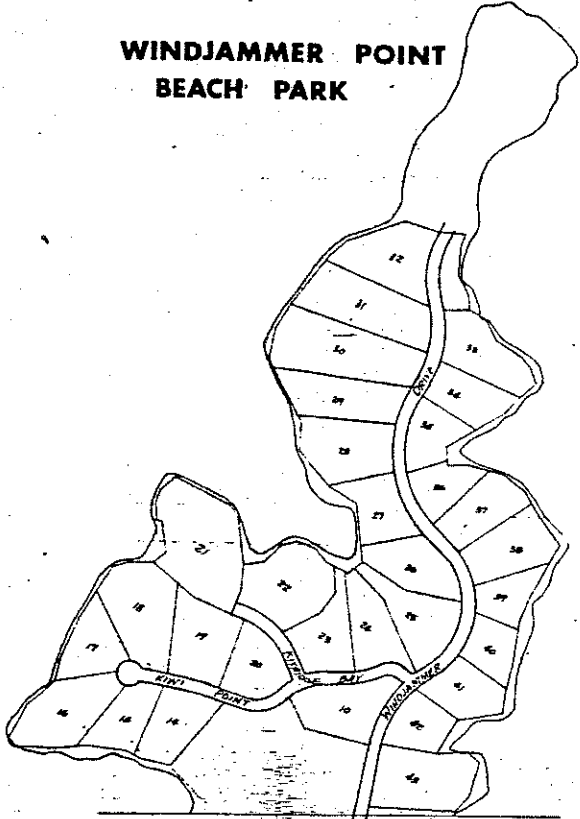
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R-7-26-83

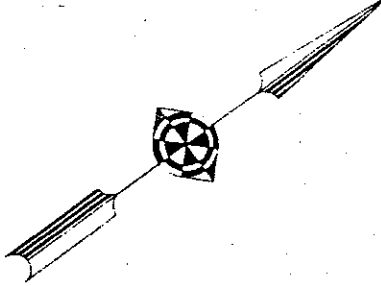
**EXHIBIT A**

**LAKE WYLIE**

**WINDJAMMER POINT  
BEACH PARK**



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PITCAIRN COVE  
BEACH PARK

LAKE WYLIE



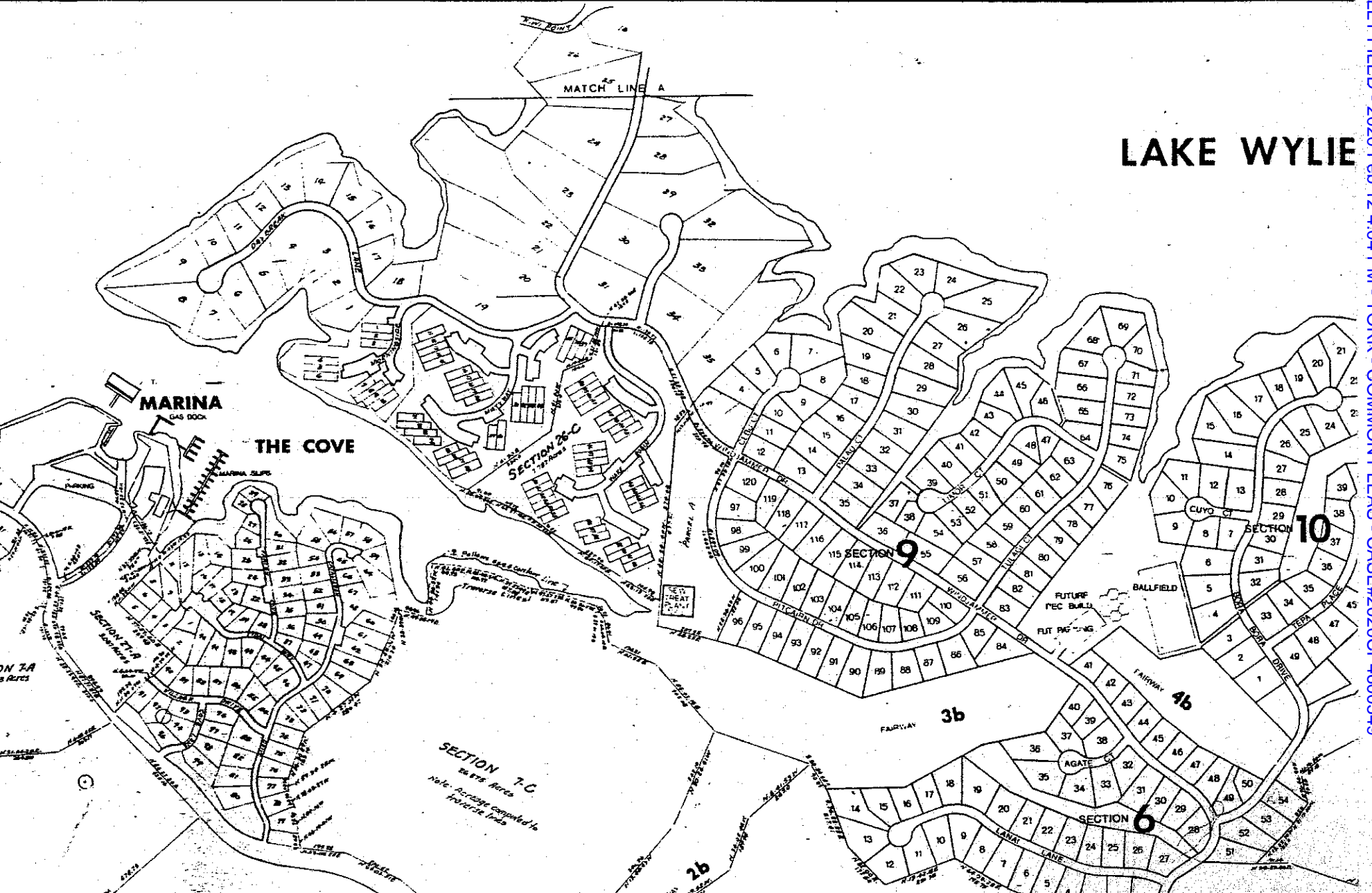
EXHIBIT 1

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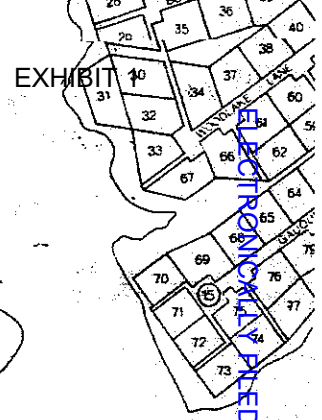
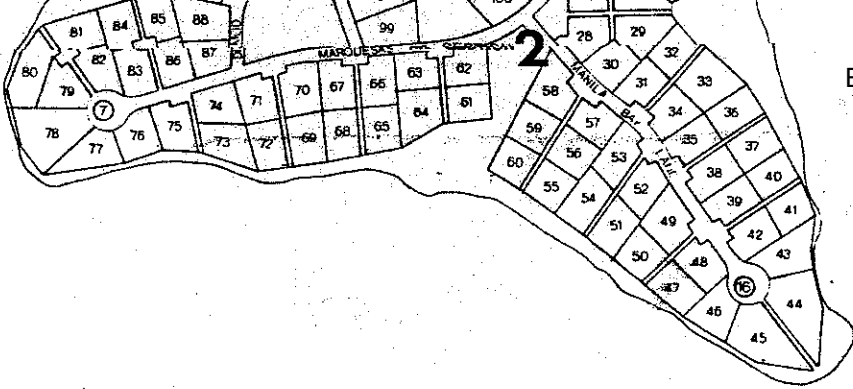


Plat Bk. 73 Pg. 23

# LAKE WYLIE







**LEGEND**

- OPEN SPACE AND RECREATION
- GOLF COURSE FAIRWAYS
- PAVED (ROADS, PARKING)
- BUILDINGS
- LAKES, FONDS

WELLS AND WELL NUMBERS

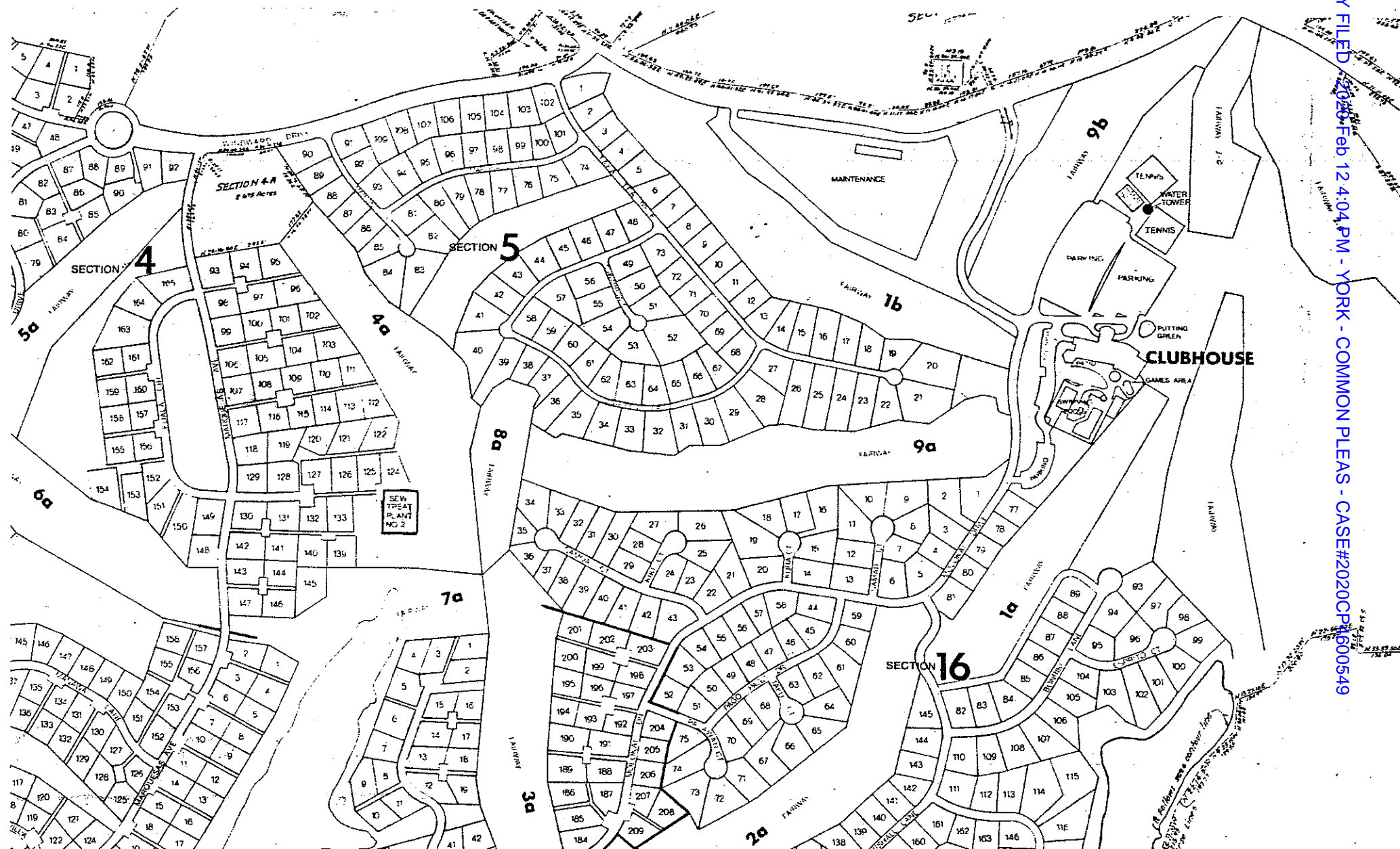


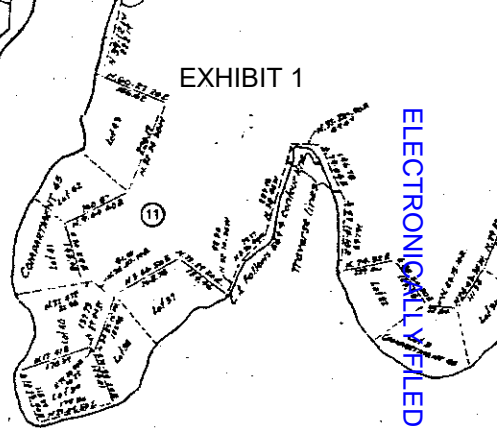
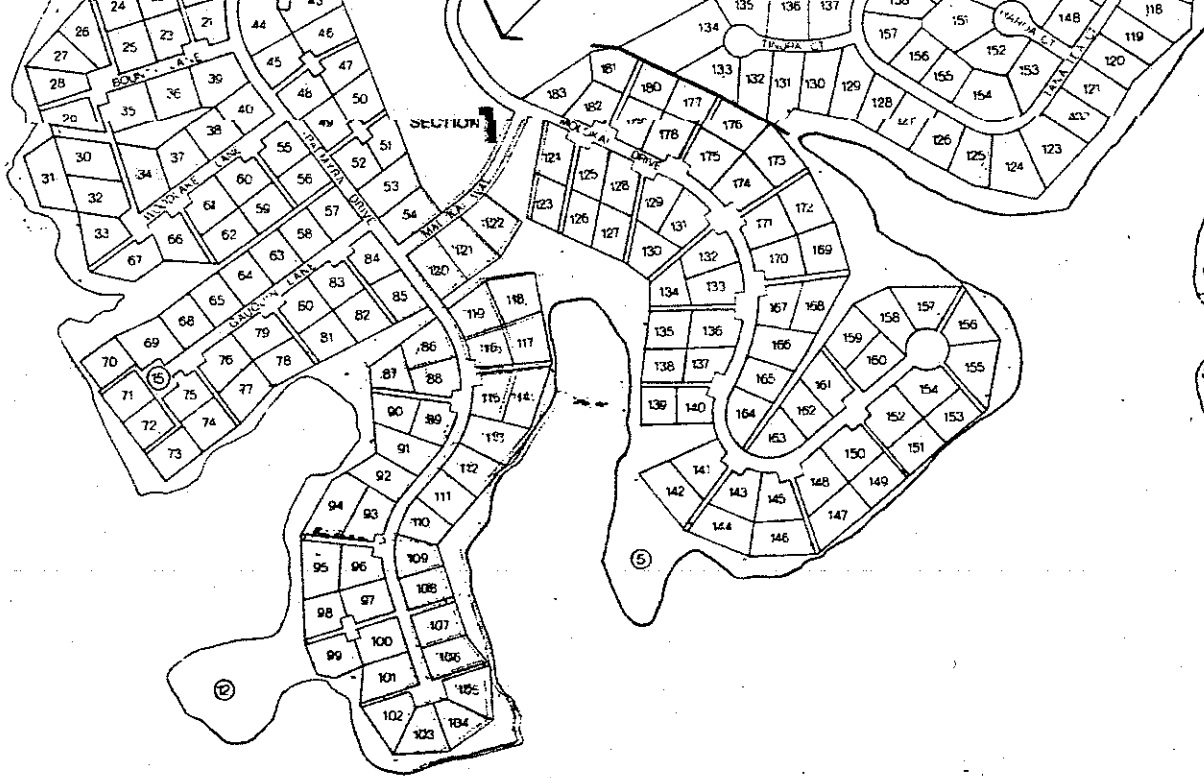
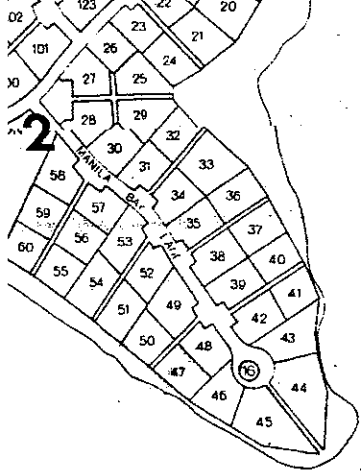
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 COMMON PLEAS - CASE#2020CP4600549

EXHIBIT 1

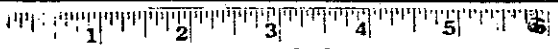
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LAKE V



Business Records Corporation

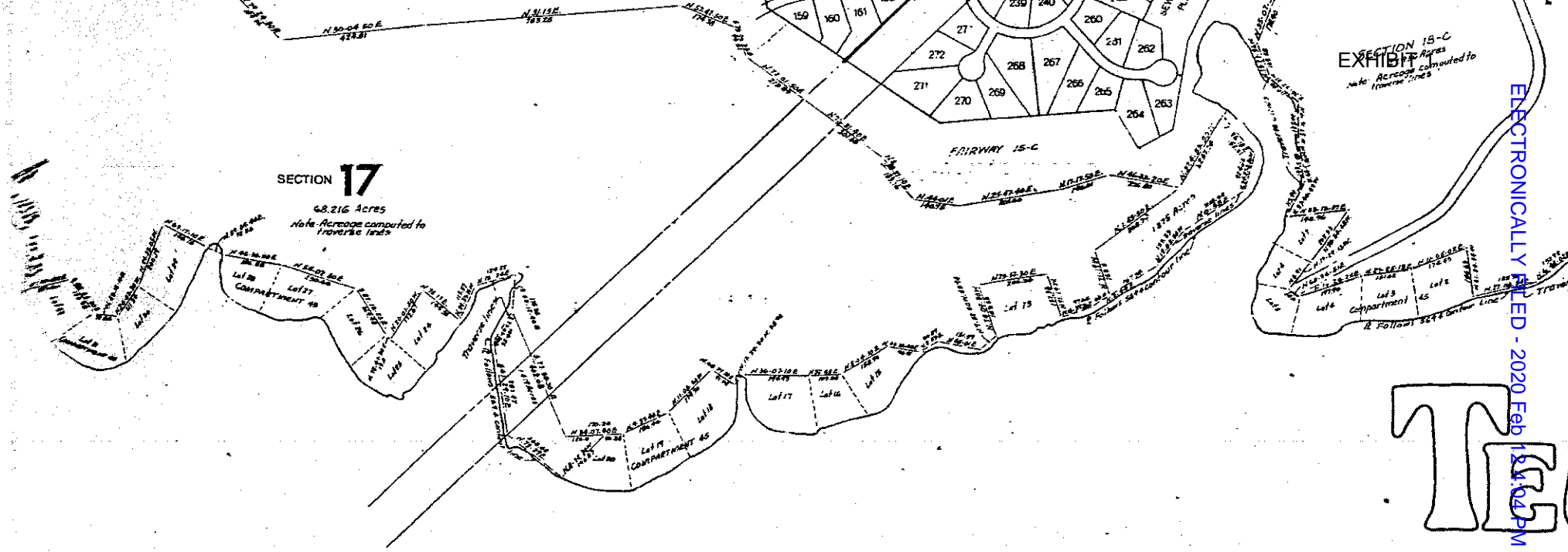
1032 East Lincolnton Street • Greensboro, N.C. 27408

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LAKE WYLIE

SECTION 17  
68.216 Acres  
Note: Acreage computed to traverse lands

SECTION 15-C  
EXHIBIT  
Note: Acreage computed to traverse lands



Note: Actual boundary surveys made of sections 4-A, 7-A, 7-B, 7-C, 11, 13, 14, 17, 18, 20, 20-A, 22, 25, 26-C, 27-A, 32 and transferred to aerial map made Oct. 1, 1971

TEC

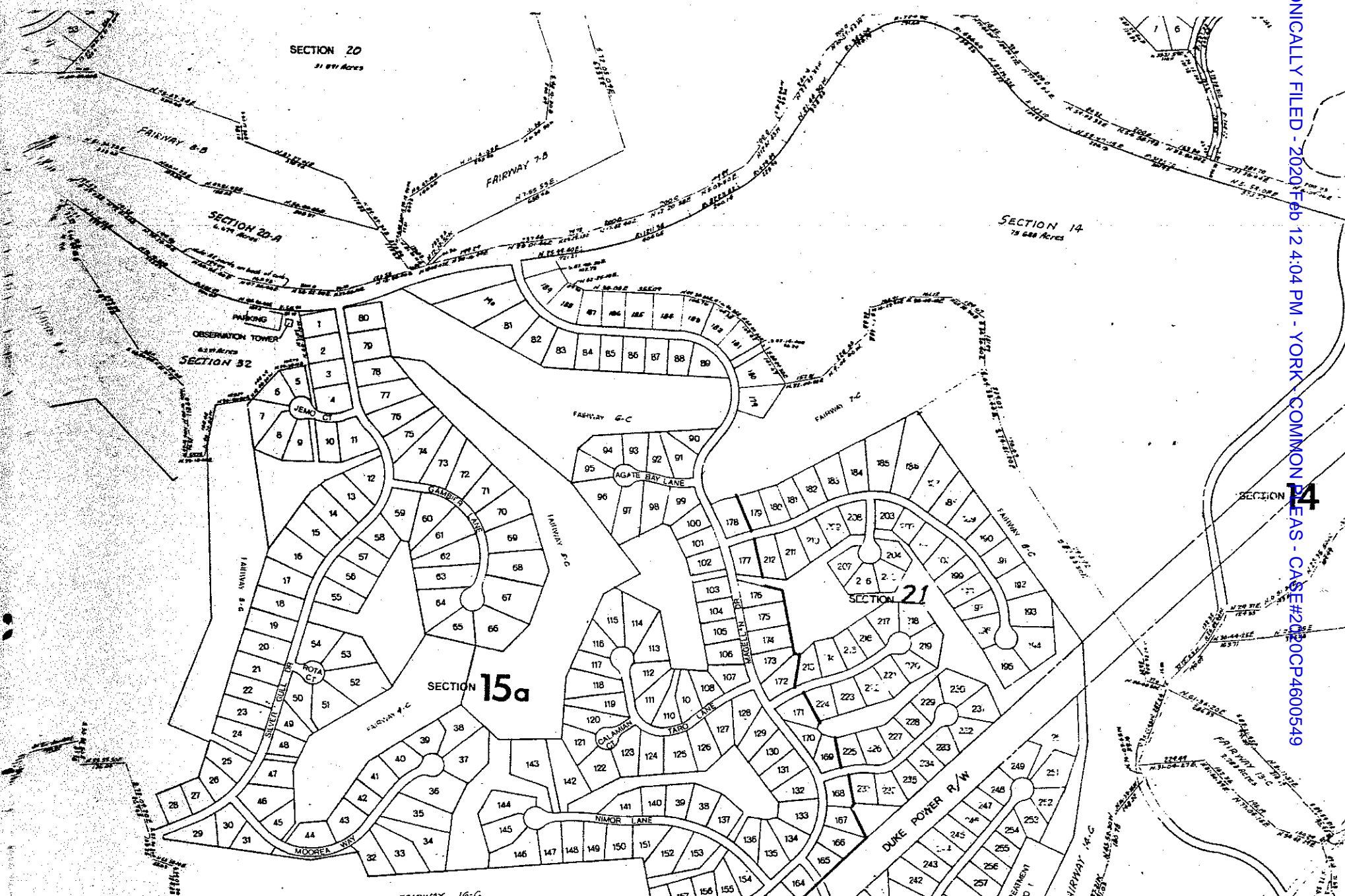
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YORK C

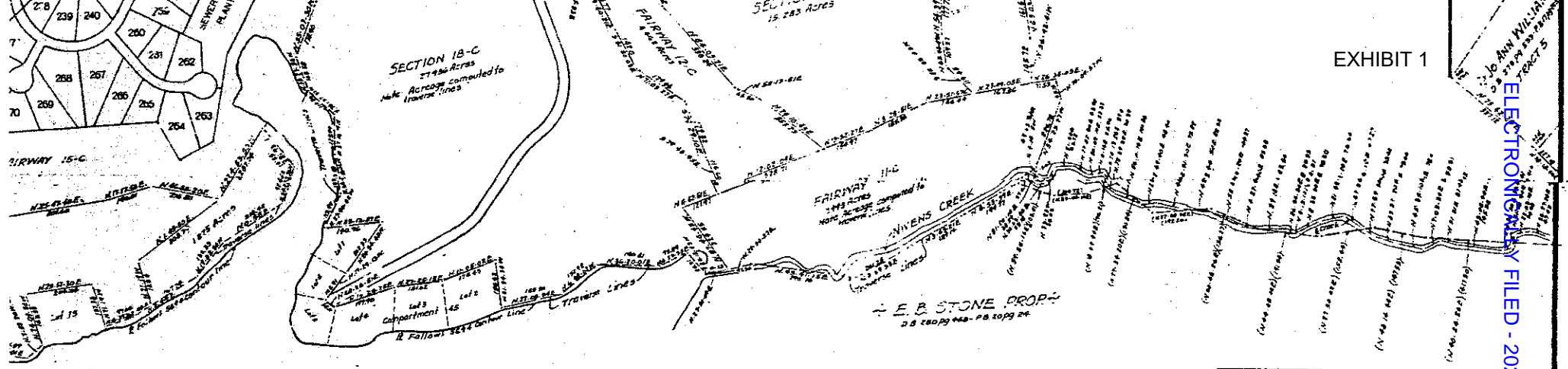
Scale 1" = 200'  
December 22, 1960

Business Records  
10332 Eastern Gateway Street

ELECTRONICALLY FILED - 2020 Feb 12 11:04 PM - YORK-COMMON PLEAS - CASE#2020CP4600549

73/25





# TEGA CAY

## MASTER DEVELOPMENT PLAN YORK COUNTY, SOUTH CAROLINA

Note: Actual boundary surveys made of sections 4-A, 7-A, 7-B, 7-C, 11, 13, 14, 17, 18, 20, 20-A, 22, 25, 26-C, 27-A, 32 and transferred to aerial map made Oct. 1, 1971

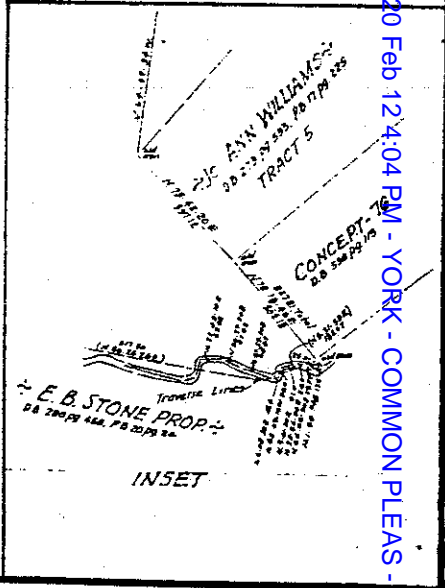
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December 23, 1960

Fort Mill, S.C.

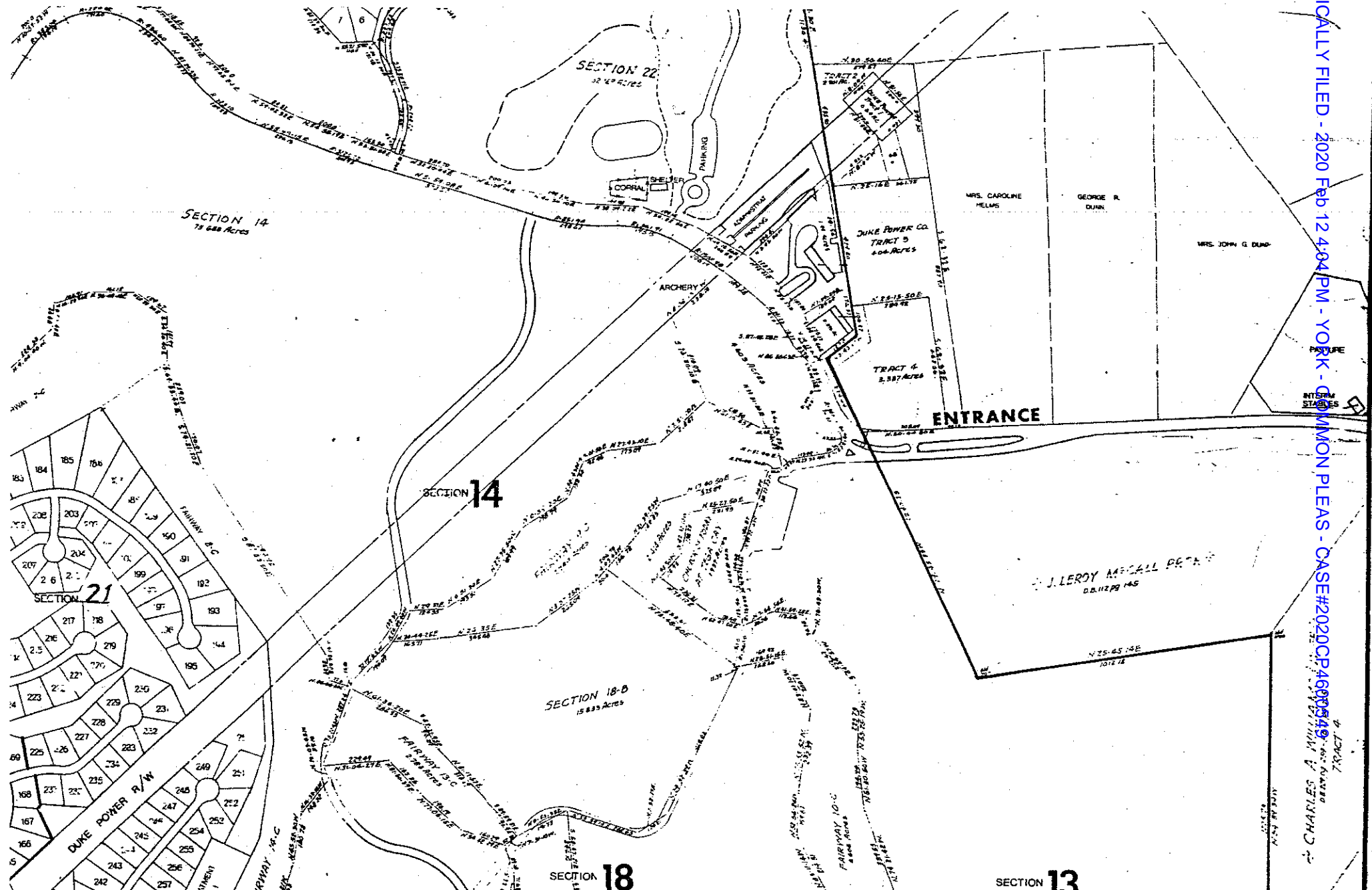
A. Alan Wallwork  
Reg. S.C. Land Surveyor

SCALE 1" = 200'

OCTOBER 1, 1971

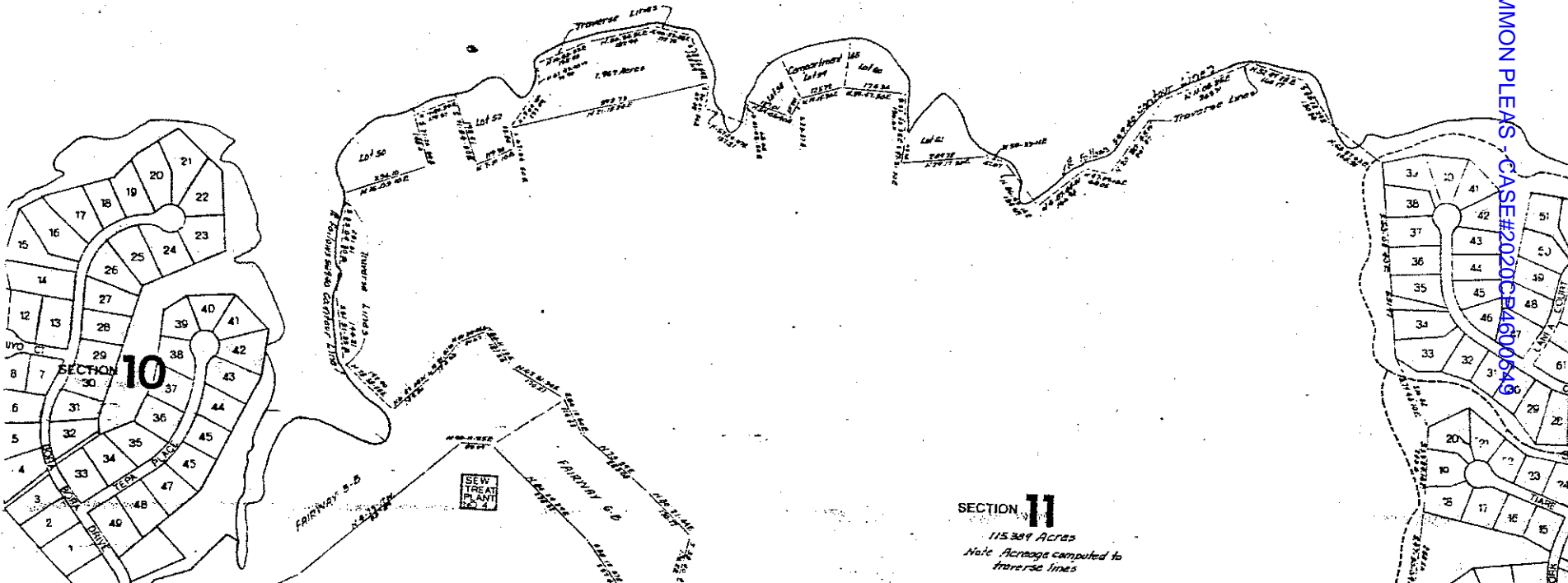


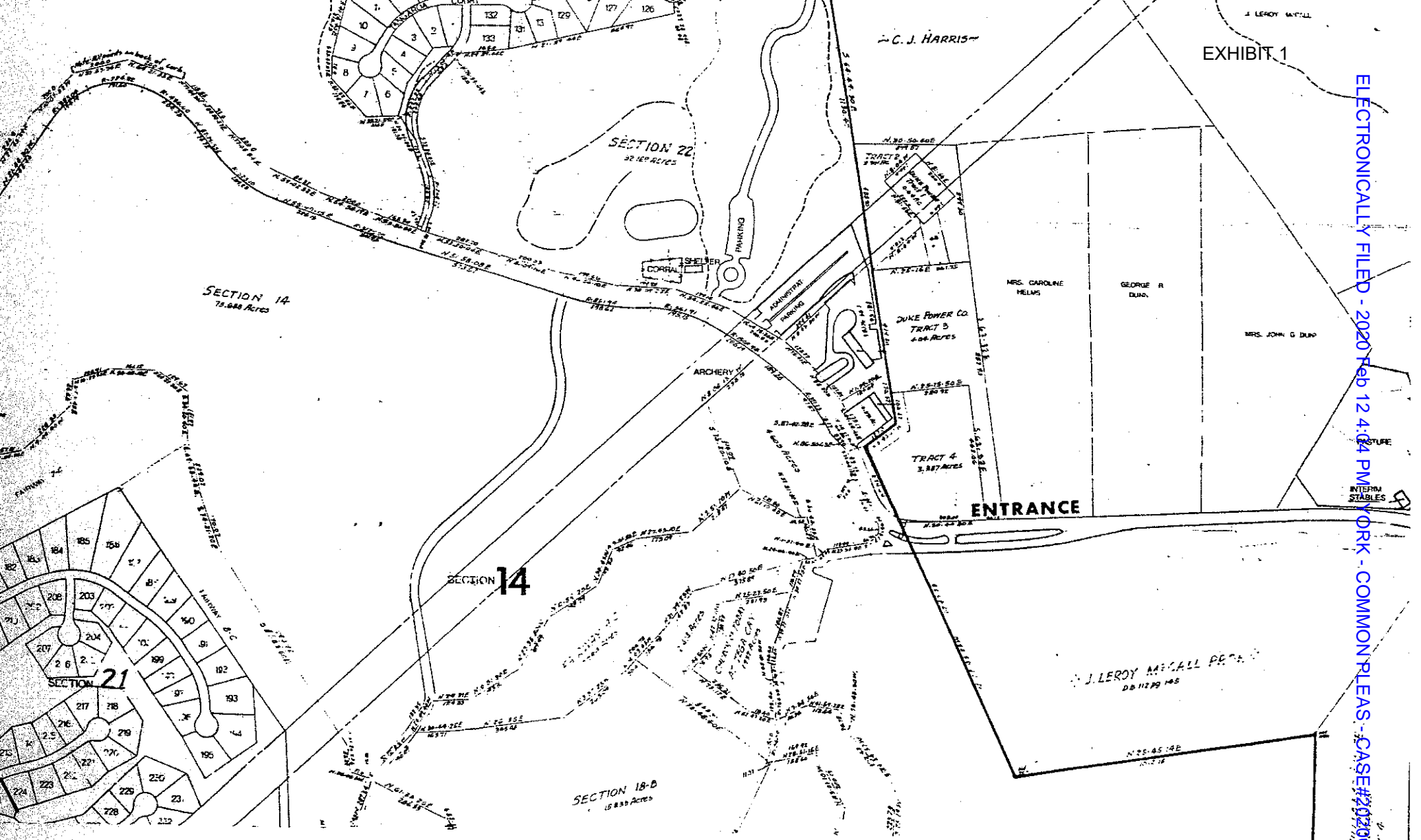
Business Records Corporation  
1032 East Lindsey Street • Greensboro, N.C. 27408





# THE WYLIE





C. J. HARRIS

SECTION 22  
32.189 ACRES

SECTION 14  
75.888 ACRES

SECTION 14

SECTION 21

SECTION 18-B  
15.833 ACRES

ENTRANCE

J. LEROY MITCHELL PEACH  
DB 112 20 1985

MRS. CAROLINE HELMS

GEORGE R. DUNN

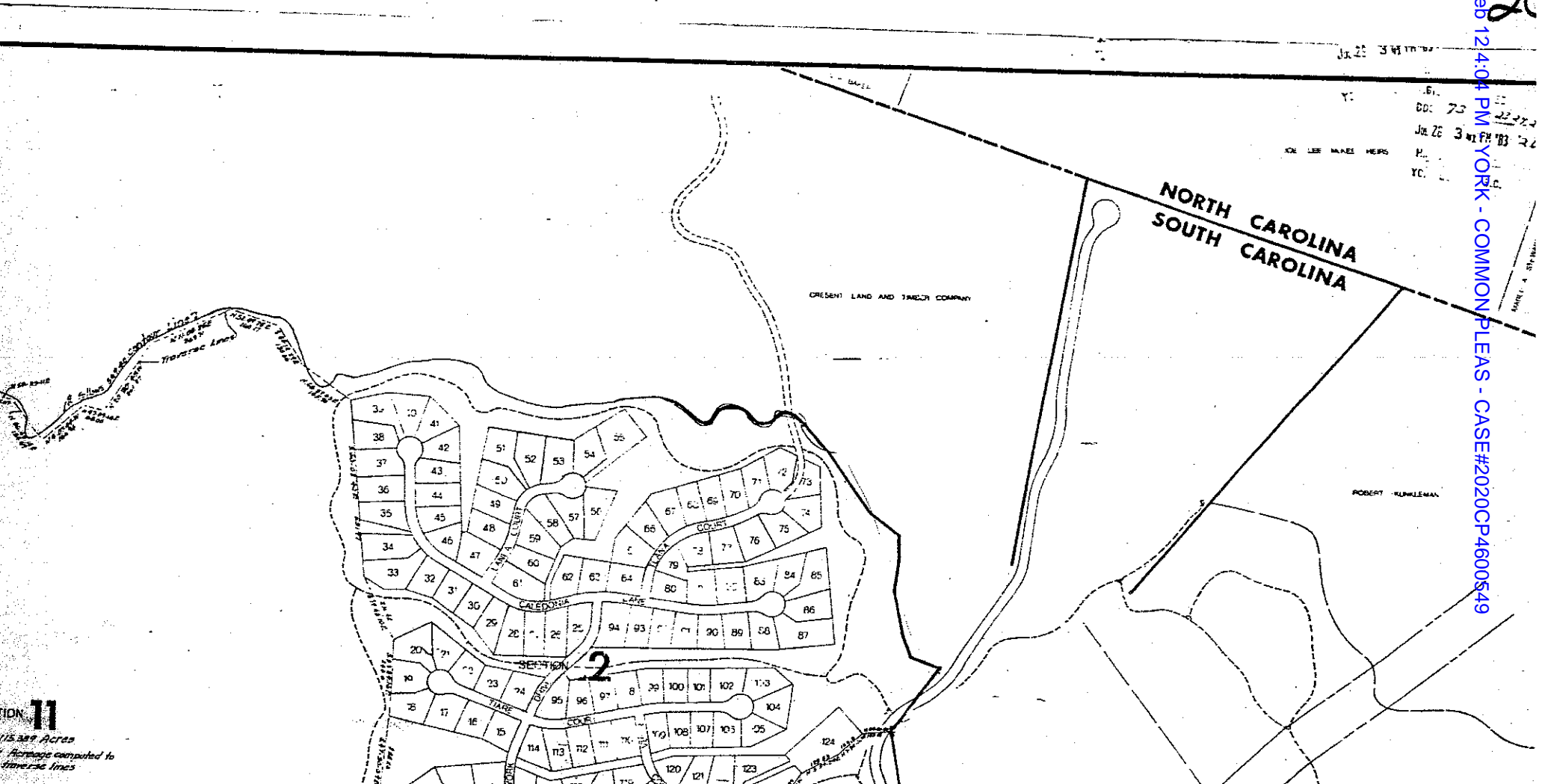
MRS. JOHN G. DUNN

STABLES

INTERIM STABLES

ELECTRONICALLY FILED - 2020 Feb 12:4:04 PM YORK - COMMON PLEAS - CASE#2020CP4600549

20



SECTION 11  
15.397 Acres  
Measurements computed to  
interior lines

JUN 28 3 41 PM '83  
FOR LEE MAEL HERS  
Y.C.

**RECEIVED**

**Dec 08 2022**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Teasa K. Weaver, Master-in-Equity

C.A. No.: 2020-CCP-46-00549  
Appellate Case No. 2022-001650

LB PARK, LLC .....Respondent,

v.

San Juan Holdings, Bret Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; Ryan Powell; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 250056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the abovenamed Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023 ..... Defendants.

of whom Ryan Powell is the .....Appellant.

**PROOF OF SERVICE**

I certify that I have served *Notice of Appearance for Sarah P. Spruill* and *Respondent's Return to Verified Emergency Ex-Parte Petition for Injunction* on all parties of record by depositing a copy of the same in the United States Mail, postage prepaid, on December 8, 2022, addressed to:

Ryan Powell  
25056 Timberlake Drive  
Fort Mill, SC 29708

Stacey Carberry

Stacey Carberry, Legal Assistant  
HAYNSWORTH SINKLER BOYD, P.A.  
864.240.3223

**HAYNSWORTH  
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.  
ONE NORTH MAIN STREET, 2<sup>ND</sup> FLOOR  
P.O. BOX 2048 (29602)  
GREENVILLE, SOUTH CAROLINA 29601  
MAIN 864.240.3200  
FAX 864.240.3300  
www.hsblawfirm.com

**SARAH P. SPRUILL**  
DIRECT 864.240.3220  
sspruill@hsblawfirm.com

December 8, 2022

**VIA EMAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**RECEIVED**  
**Dec 08 2022**  
**SC Court of Appeals**

Re: LB Park, LLC v. San Juan Holdings (2)  
Appellate Case No. 2022-001650

Dear Ms. Kitchings:

This firm represents the Respondent LB Park, LLC in the above matter. Enclosed for filing, please find a *Notice of Appearance for Sarah P. Spruill* and *Respondent's Return to Verified Emergency Ex-Parte Petition for Injunction* together with our Proof of Service for the same.

If you have any questions, please give me a call. Thank you for your assistance in this matter.

Sincerely,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac  
Enclosures

cc: Ryan Powell (via U.S. Mail)