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Feb 17 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Teasa K. Weaver, Master In Equity

Case # 2020-CP-46-00549
Appellate Case # 2022-001650

LB PARK, LLC, Respondent,

v.

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 643-10-001-023, 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,

of whom Ryan Powell is the Appellant.

SUPERSEDEAS SURETY (BOND)

Recitals

1. A final quiet title order was entered in case # 2020-CP-46-00549 by Master-in-Equity Weaver ("Weaver") on October 24, 2022 while she was acting in clear absence of all jurisdiction on a non-justicible case ("Void Order"). Void Order gave the property at issue ("The Property") to Respondent LB PARK, LLC ("LB PARK").
2. Weaver on her own initiative inserted an *ex parte* writ of assistance order into her Void Order so that she could illegally and unlawfully dispossess Appellant Ryan Powell ("Ryan") from his private property. Weaver's dispossession order deprived Ryan of his rights to due process of law and the equal protection under the law protected to Ryan by the Constitution of the United States and by federal law (42 U.S.C. §§ 1981 to 1986; 28 U.S. Code § 1343).

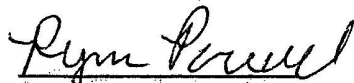
3. To attempt to keep the status quo during this appeal and keep his appeal from becoming moot, Ryan filed and served an "Emergency, *Ex Parte*, Verified, Petition for Supersedeas" ("Petition") that was addressed to Chief Judge H. Bruce Williams ("Judge Williams").
4. Ryan attached to his Petition a certified copy of his deed and two court documents that prove Weaver acted in clear absence of all jurisdiction when she entered her Void Order.
5. Judge Williams had the duty and authority to issue a stay of the enforcement of the Void Order to keep this appeal from becoming moot, and keep the status quo during the appeal.
6. On February 9, 2023, Judge Williams issued an order denying Ryan a supersedeas. The reason given for his denial was that a supersedeas could not be issued unless "*appellant executes a writing, with two sureties, guaranteeing the property will not be wasted while this appeal is pending*". A copy of Judge William's order is attached hereto and incorporated herein by reference.
7. York County Sheriff's posted the Void Order on The Property on February 16, 2023. Accordingly, this Court must do its duty and stop the illegal dispossession **NOW** or Weaver **will** be held liable for compensatory, special, and punitive damages which will run into the millions of dollars and she will not have any judicial immunity in that action.
8. This document satisfies the requirements Judge Williams set in his order for issuing a supersedeas to stay enforcement of the Void Order pending this appeal.

Guarantee To Not Waste Property


As a result of the facts recited above:

Appellant, Ryan Powell, executes this writing, with two sureties, guaranteeing The Property will not be wasted while this appeal is pending.

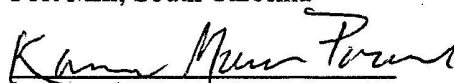
2/17/2023
Executed On:


Ryan Powell, Appellant
c/o 25056 Timberlake Drive
Fort Mill, South Carolina

Steven David Aver
P.O. Box 180
Troy, Montana, 59935


Surety #1

Karen Marie Powell
c/o 25056 Timberlake Drive
Fort Mill, South Carolina


Surety #2

APPROVED: _____, 2023

Clerk, South Carolina Court of Appeals

The South Carolina Court of Appeals

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.

Appellate Case No. 2022-001650

ORDER

Appellants' petition for supersedeas is denied. *See* Rule 241(b)(4), SCACR (providing "[j]udgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170" are not automatically stayed on appeal); S.C. Code Ann. § 18-9-170 (providing "[i]f the judgment appealed from direct[s] the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless" the appellant executes a writing, with two sureties, guaranteeing the property will not be wasted while the appeal is pending).

 _____

FOR THE COURT

Columbia, South Carolina

cc:

Ryan Powell

A. Parker Barnes, III, Esquire

Sarah P. Spruill, Esquire

FILED
Feb 09 2023

February 17, 2023

VIA EMAIL AND U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

Feb 17 2023

SC Court of Appeals

Re: LB PARK, LLC v. San Juan Holdings, Brett Osborne trustee, et al.;
C.A. No.: 2020-CP-46-00549;
Appellate Case No.: 2022-001650.

URGENT Time Sensitive

Ms. Kitchings:

Chief Judge H. Bruce Williams entered an order on February 9, 2023 denying my Petition for Supersedeas. However, in his order he informed me that a supersedeas could not issue until I execute a writing, with two sureties, guaranteeing that the property would not be wasted while the appeal is pending.

I have executed such a writing and have filed it along with this letter. Please approve my writing as soon as possible as there is only a short time left for the Court to protect its jurisdiction over this appeal and to preserve the contested issue from becoming moot.

If for any reason you do not approve my writing, please give me specific directions on how to cure any defects so that it will become acceptable. Also please inform me of the necessary court procedure to get a stay once the attached writing has been approved.

/s Ryan Powell
Ryan Powell, Appellant
c/o 25056 Timberlake Drive
Fort Mill, South Carolina

Cc: I have mailed a copy of this letter to the Respondent's attorney, Sarah P. Spruill, by US mail to her address of record.