

**RECEIVED**

**Feb 27 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.

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**REPLY TO LB PARK LLC'S  
"RETURN TO "SUPERSEDEAS SURETY(BOND)""**

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Appellant Ryan Powell ("Ryan") makes this Reply to LB PARK LLC's Return to Supersedeas Surety Bond under Rule 240(f) SCACR. Ryan's submission to the Clerk for her approval of his executed "Supersedeas Surety (Bond)" was not a motion and therefore no return was authorized by the Rules. Nonetheless, if LB PARK has the right to make a return to Ryan's "writing", then Ryan has the right to make a reply to LB PARK, LLC's return. Ryan's Supersedeas Surety (Bond) needs to be approved by the Clerk of Court, expeditiously as Ryan and the occupants of his property are about to be illegally dispossessed on March 30, 2023 which

will not only irreparable harm Ryan and the occupants of his property but will make this appeal moot. This Court has a duty to ensure this appeal does not become moot.

### **Background Facts**

This appeal involves a case brought in the lower court where, *inter alia*, Respondent LB PARK, LLC's ("LB PARK") claims are non-justicible, LB PARK does not have a legal claim to the property at issue, and the Master in Equity ("Judge Weaver"), did not have subject matter jurisdiction to enter her facially void final quite title order ("Void Order"). Nonetheless, Judge Weaver gave the property at issue to LB PARK and ordered the dispossession of the occupants of the property in her Void Order. That Void Order was made and entered simply, and only, because Ryan had not recorded his deed which is needed to put his property under the jurisdiction of this State. However, recently someone with knowledge and understanding finally explained to Ryan that his property was stolen from him because he could not use the courts of the State to protect his private property even though he had been named and joined to LB PARK's non-justicible case.

### **Everything Has Now Changed**

To rectify that problem, Ryan immediately registered his deed in the ROD on February 22, 2023 in Book 20628, page 278 ("Registered Deed"). That act of registering Ryan's deed subjected Ryan's property to the jurisdiction of this State. Now, Ryan has the right to use the courts of this State to protect his property. Accordingly, Ryan can now bring an action, *inter alia*, to sue Judge Weaver, and LB PARK, for the damages the Void Order, made without subject matter jurisdiction, does to him if he is illegally dispossessed from his property. And, most importantly, this Court must now hear this appeal and ensure this appeal does not become moot. A copy of Ryan's Registered Deed is attached as Exhibit A and is fully incorporated herein by reference. Ryan's Registered Deed can also be found on the York County Register of Deeds on-line records<sup>1</sup> ("ROD").

The Clerk/Court is directed to take **mandatory judicial notice**, under Rule 201(d) SCRE of the following adjudicative fact. This fact satisfies the requirement of Rule 201(b)(2) as it is "*capable of accurate and ready determination by resort to sources whose accuracy cannot*

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<sup>1</sup> The following link will take you directly to the book and page for Ryan's Registered Deed.  
[https://search.yorkdeeds.com/view\\_image.php?file=L2ltZy9zYy95b3JrLzIwMjMvMDIyMi8yMDIzMDA0OTQ5LnRpZg==&type=pdf](https://search.yorkdeeds.com/view_image.php?file=L2ltZy9zYy95b3JrLzIwMjMvMDIyMi8yMDIzMDA0OTQ5LnRpZg==&type=pdf)

*reasonably be questioned.*". The source of the adjudicative fact is the York County Register of Deeds online deed records. The ROD's accuracy cannot reasonable be questioned.

This Court now has the duty to hear Ryan's appeal. This Court's duty also includes ensuring that the Void Order, entered without Judge Weaver having subject matter jurisdiction, does not damage Ryan because Ryan can now use the State, County, and Federal courts to hold her and LB PARK liable for any damages he suffers as a result of the facially void final quiet title order. Thus, this Court/Clerk must approve the Supersedeas Surety (Bond) that Ryan submitted for approval as that "writing" is exactly the language and intent that Chief Judge Williams placed in his order denying a Supersedeas. A copy of Judge Williams' denial order is attached as Exhibit B and is fully incorporated herein by reference. Ryan's status and the status of his now registered property has changed and this Court/Clerk must do its/her duty to issue a supersedeas so that this appeal does not become moot.

With reservation of all rights, without prejudice,

February 27, 2023

/s Ryan Powell  
Ryan Powell, Appellant  
c/o 25056 Timberlake Drive  
Fort Mill, SC 29708



recorded in Deed Book 3173 at page 343, in the Office of the Clerk of Court for York County.

The property is conveyed free and clear of all security interests, liens, claims and encumbrances from any entity or person whatsoever.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.


TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, his heirs and assigns forever.

AND THE GRANTOR does hereby bind the Grantor, and the Grantors' heirs executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantee, his heirs and assigns, against the Grantor or the Grantors' heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

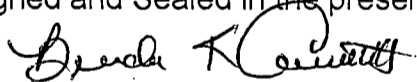
After filing for record mail to Grantee: Ryan Whitney  
[not a residence address] c/o: 25056 Timberlake Drive  
Tega Cay, South Carolina  
Without the United States

WITNESS our Hand and Seal this the 20th day of December in the year of our Lord Two Thousand and Twelve and in the two-hundred and thirty-sixth year of the independence of the United States of America.

Grantor, SAN JUAN HOLDINGS:  
  
\_\_\_\_\_  
By: Brett Osborn, Trustee (Seal)

Grantee:  
**With Reservation of All Rights**  
  
\_\_\_\_\_  
Ryan Whitney of the Powell family, a  
free inhabitant, without the United  
States (Seal)

Signed and Sealed in the presence of:

  
\_\_\_\_\_  
Witness #1 Signature

Brenda K. Callicutt  
\_\_\_\_\_  
Witness #1 Printed Name

  
\_\_\_\_\_  
Witness #2 Signature

D. Aaron Simms  
\_\_\_\_\_  
Witness #2 Printed Name

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

Personally appeared before me the undersigned witness and made oath that (s)he saw the within-name Grantor sign, seal and, as his act and deed, deliver the within written Deed to the within-name Grantee who then as his freewill act and deed did sign and seal the instrument and that (s)he, with the other witnesses subscribed above, witnessed the execution thereof.

SWORN to before me this  
20<sup>th</sup> day of December, 2012

Brenda K. [Signature]  
Witness #1

Joy M. Uter

Notary Public for State of South Carolina  
My Commission Expires: ~~12/20/12~~ April 27, 2017

Joy M. Uter  
NOTARY PUBLIC  
State of South Carolina  
My Commission Expires  
April 27, 2017.

STATE OF NORTH CAROLINA )  
COUNTY OF Durham )

Affidavit For Taxable Transfers

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property transferred bears York County Tax Map Number 643-10-01-023 and was transferred by San Juan Holdings, Brett Osborne, trustee to Ryan Whitney Powell on December 20, 2012.
- 3, The deed is subject to the deed recording fee as a transfer for consideration paid in money or money's worth.
- 4, The fee should be computed on the consideration I paid in money or money's worth which at the time the transfer was made was \$225,000.00.
5. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as the Grantee.
6. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Ryan Powell  
Ryan Powell

SWORN to and subscribed before me this  
21 day of February, 2023

Ashley E. Amerson  
Notary Public for North Carolina

My Commission Expires: 9-21-2027

<p><b>ASHLEY E. AMERSON</b> Notary Public Wake Co., North Carolina My Commission Expires Sept. 21, 2027</p>
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# 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

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ORDER

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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).

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FOR THE COURT

Columbia, South Carolina

cc:

Ryan Powell

A. Parker Barnes, III, Esquire

Sarah P. Spruill, Esquire

**FILED**  
**Feb 09 2023**

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

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Certificate of Service For  
Reply to LB PARK, LLC's Return to Supersedeas Surety (Bond)

I certify that I served all Respondents with a copy of the Reply to LB PARK, LLC's Return to Supersedeas Surety (Bond) by and through their attorney of record by First Class Mail with proper postage affixed on the below date addressed as follows:

Sarah P. Spruill  
P.O. Box 2048 (29602)  
Greenville, SC 29601

02/27/2023  
Date

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