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Mar 07 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.

Expedited Motion to Reduce or Eliminate Appeal Bond

Appellant Ryan Powell ("Ryan") makes this Expedited Motion to Reduce or Eliminate Appeal Bond pursuant to Rule 240 SCACR. Judge Weaver's final quiet title order contains an *ex parte* writ of assistance order within it which by its inclusion requires Ryan to post a bond in the amount of \$180,000.00 to stay his dispossession during this appeal. A copy of the pertinent parts of that order are attached as Exhibit A which is fully incorporated herein by reference.

Mandatory Judicial Notice

This court is directed to take mandatory judicial notice under Rule 201(d) SCRE of a screen shot taken from the Zillow.com website of the property at issue in this case, a copy of which is attached as Exhibit B. 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 reasonably be questioned.". The source of the adjudicative fact is the Zillow.com website which is the number one real estate website in the world and is used daily by buyers, sellers, and appraisers of real estate. Exhibit B shows that the estimated rental value of the property at issue is \$2500 dollars a month which is 17% below the \$3,000.00 "guess" that Judge Weaver made with zero evidence to support her "guess".

Why the Bond Amount Should be Eliminated

As argued below, Judge Weaver did not have subject matter jurisdiction to make or enter her final quiet title order ("Void Order") so Ryan should not be required to post any bond to stay a void order. Also as argued below, Judge Weaver specifically and intentionally inserted an *ex parte* writ of assistance order in her Void Order so that she could force Ryan to post a bond when no such requirement is ever placed on any other appellant appealing a quiet title order. For these reasons, and also because Ryan has been unable to get this Court to issue a stay of his impending illegal dispossession during this appeal, this court should fix a more reasonable bond amount so that Ryan is not irreparably harmed when he and the other occupants of his property are illegally dispossessed before his appeal is heard. The illegal dispossession is scheduled to take place on March 30, 2023 a mere 22 days from the filing of this motion.

Why The Bond Amount Should Be Reduced

If this Court refuses to eliminate the bond requirement altogether for a Void Order that contains an *ex parte* writ of assistance within it, then this Court must reduce the amount that Judge Weaver found to be appropriate. Judge Weaver came up with the figure of \$3000.00 a month for an appropriate rental value based entirely on her imagination and not on any actual evidence presented or entered into the record [Exhibit A, pg 1]. Judge Weaver multiplied that very high monthly rental figure by 60 months (five years) to come up with an extremely unreasonable total of \$180,000.00 in order to stay the illegal dispossession of Ryan and the occupants of his property. No appeal should ever take five years to hear and decide. In fact, this appeal is almost perfected and should be fully perfected within days to a couple weeks of this motion being filed, which means this appeal should be heard and decided within the next year to year and a half, at most.

Argument Why Judge Weaver's Void Order is Void

"The master has no power or authority except that which is given to him by the order of reference. See Rule 53(c), SCRPC ("[T]he order of reference to the master may specify or limit his powers and may direct him ... to do or **perform a particular act...**"); Smith v. Ocean Lakes Family Campground, 315 S.C. 379, 381, 433 S.E.2d 909, 910 (1993) [emphasis mine].

"Thus, once the case is referred to the Master, he has subject matter jurisdiction to resolve the action **to the extent the order of reference provides**", Well Fargo Bank, NA v. Smith 730 SE 2d 328, 398 SC 487 (2012) [emphasis mine].

"When a case is referred to a master under the rule [Rule 53], the master is given the power to conduct hearings in the same manner as the circuit court **unless the order of reference specifies or limits the master's powers.**", First Citizens Bank And Trust Company v. Taylor, 847 SE 2d 249, 431 SC 149 (2020) [emphasis and bracketed text mine].

"A master who acts after the reference terminates does so without subject matter jurisdiction, and the resulting orders are void.", Bunkum v. Manor Properties, 321 S.C. 95, 99, 467 S.E.2d 758, 761 (1996).

The reference made for this case was "*for the purpose of receiving evidence*". See copy of the LB PARK's Motion for Order of Reference attached as Exhibit C and fully incorporated herein by reference. See also copy of the order granting LB PARK's Motion for Order of Reference attached as Exhibit D and fully incorporated herein by reference.

The Void Order contains a finding/conclusion that the statement "*for the purpose of receiving evidence* is not a limitation on this Court's jurisdiction" [Exhibit A, pg 13, 1st para.]. While "for the purpose of" may or may not be a limitation, it is indisputably a specification of a particular purpose. Further down in the Void Order Judge Weaver changes her earlier conclusion and concludes that Rule 53 of the South Carolina Rules of Civil Procedure (SCRPC) gave her the jurisdiction to make her Void Order [Exhibit A, pg 24, #2]. That conclusion is contrary to all binding precedent case law that states it is the order of reference, and only the order of reference, that gives the Master subject matter jurisdiction. Smith v. Ocean Lakes Family Campground supra and First Citizens Bank And Trust Company v. Taylor supra as well as many other similar cases were intentionally ignored by Judge Weaver when she concluded "Therefore, this Court has full jurisdiction over the parties to and all subjects of this case." [Exhibit A, pg 13, 1st para., pg 24, #2].

Once Judge Weaver "*received evidence*" during the final hearing held on September 27th, her specified limited jurisdiction terminated and according to Bunkum v. Manor Properties supra

anything she did on the case after her jurisdiction terminated was done without subject matter jurisdiction.

"jurisdiction is the power to declare law, and when it ceases to exist, the only function remaining to a court is that of announcing the fact and dismissing the cause.", Limehouse v. Hulsey, 744 SE 2d 566 (SC Supreme Court 2013).

Since Judge Weaver made findings of facts, conclusions of law, and then entered the Void Order after her jurisdiction terminated, the Void Order is void on its face and can never legally be enforced. So Ryan can never be legally required to post any bond to prevent the illegal dispossession of himself and the occupants of his property.

Argument Why Judge Weaver's Void Order is Void For Violation of Ryan's Due Process Rights

"It is a fundamental doctrine of the law that a party whose personal rights are to be affected by a personal judgment must have a day in court, or opportunity to be heard, and that without due notice and opportunity to be heard a court has no jurisdiction to adjudicate such personal rights. A judgment by a court without jurisdiction of both the parties and the subject matter is a nullity and must be so treated by the courts whenever and for whatever purpose it is presented and relied on.", Brown v. Malloy, 546 SE 2d 195 (2001).

All quiet title orders are automatically stayed under Rule 241 SCACR so there is never any requirement to post a bond in order to stay the relief ordered during an appeal. It is only AFTER all available appeals have been exhausted that a quiet title order becomes final so that the party not in possession can move to execute the quiet title order to take possession of the property. Then, and only then, can possession be taken via a proper application for, and ordering of, a Writ of Assistance.

Writ of Assistance - "Writs of Assistance exist to enforce judgment of court directing specific act. An equitable remedy normally used to transfer real property, the title of which has been previously adjudicated, as a means of enforcing the court's own decree. It is essentially a mandatory injunction, the effect of which is to bring about a change in the possession of realty; it dispossesses the occupant and gives possession to one adjudged entitled thereto by the court.", [internal citations removed], Blacks Law Dictionary, 6th ed., page 1609.

For any party to be granted a writ of assistance, that party must first make a motion for a writ of assistance which motion must include a rule to show cause order. The rule to show cause order must be personally served on the party unlawfully remaining in possession of the real

property. The hearing of the rule to show cause order gives the party in possession an opportunity to "show cause" why a writ should not issue -

" Antrum having refused to relinquish the property to the purchaser, and an affidavit to that effect having been submitted to the court. Judge Lewis issued, on December 30, 1949, an order requiring him to show cause on January 7, 1950, why a writ of assistance should not be issued directing the sheriff of Darlington County to remove him from the premises and to put the purchaser into possession.", Antrum v. Hartsville Prod. Credit Ass'n et al., 89 SE 2d 376 (SC Supreme Court 1955).

After a show cause hearing, if a writ of assistance is granted but then subsequently appealed, the appellant can **then** seek a writ of supersedes to stay the enforcement of that writ of assistance. If a supersedes is granted, the appellant can be ordered to post a supersedes bond under S.C. Code of Laws § 18-9-170.

However, in total disregard of the above described well-settled laws and legal procedures that must be followed to ensure the party in possession is provided due process, dispossession was ordered without any affidavit from LB PARK testifying that the occupants refused to leave the property, without any motion for a writ of assistance, without any rule to show cause order ever being issued, without any notice of a show cause hearing, and without any hearing of the show cause order. These failures constitute an **appalling violation of the due process rights of Ryan**, his mother who holds an enforceable lien against the land at issue, and the occupants of Ryan's private property, making the Void Order void on its face. Ryan can never lawfully be required to post a bond to appeal a facially void order to stop an illegal dispossession from his property.

Relief Demanded

This Court must expeditiously hear and decide this motion and then fix a new bond amount in the amount of \$0.00 or fix a new bond amount that is reasonable given the facts and law of this case.

With reservation of all rights, without prejudice,

March 7, 2023

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

ELECTRONICALLY FILED - 2022 Oct 24 9:27 AM - YORK - COMMON PLEAS - CASE#2020CP4600549

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

2022 DEC 28 PM 2: 15
David Hamilton
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

Case No. 2020-CP-46-00549

LB PARK, LLC,

Plaintiff,

vs.

FINAL ORDER

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.

THIS MATTER came before me for a merits hearing upon the action of Plaintiff LB PARK, LLC ("Plaintiff") to quiet its tax title to real property. Plaintiff seeks an order of the Court confirming marketable, fee simple title and reformation.

The hearing occurred on September 27, 2022, and notice was provided to all parties. Plaintiff appeared through its counsel and a corporate representative. Tracy Mattevi, the York County Tax Collector (the "Tax Collector"), appeared as a witness and was represented by counsel. No other party attended the hearing personally, through counsel, or through any other representative.

Rule 53(c), SCRCF, provides, "Once referred, the master or special referee shall exercise all power and authority which a circuit judge sitting without a jury would have in a similar matter." The Note to the 1986 Amendment of Rule 53 states, "Rule 53(c) is amended to make clear that the master has the same powers as a court sitting without a jury unless the order of reference limits his authority." In this case, there is no limitation on this Court's authority so this Court "shall exercise all power and authority which a circuit judge sitting without a jury would have in a similar matter." Rule 53(c), SCRCF. Therefore, this Court has full jurisdiction over the parties to and all subjects of this case.

After the denial of Powell's motion, Plaintiff scheduled the merits hearing for October 21, 2021, and filed Notice of Hearing on September 28, 2022. Powell appealed the order denying his Motion to Return Case to Circuit Court and filed his Notice of Appeal on October 12, 2021. The remittitur from the South Carolina Court of Appeals was filed with the York County Clerk of Court on May 23, 2022.

Powell then filed the Motion to Amend on June 8, 2022. By e-mail sent on August 24, 2022, this Court notified the parties that it would hear the Motion to Amend immediately prior to trial. This Court also notified the parties that if the Motion to Amend was denied, the trial would proceed, but if the Motion to Amend was granted, the trial would be continued. The trial date was set for September 27, 2022. On August 25, 2022, Plaintiff filed and served Notice of Hearing on September 27, 2022. Powell then filed the Motion to Vacate on September 6, 2022. By e-mail and letter dated September 9, 2022, which was filed on September 13, 2022, Powell withdrew his request for a hearing on the Motion to Amend and the Motion to Vacate.

Powell next filed the Motion for Continuance on September 16, 2022, which motion this Court has denied.

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.

CONCLUSIONS OF LAW

Based upon the pleadings, motions, and orders filed, the testimony and evidence presented, and the arguments of counsel at the merits hearing, I make the following conclusions of law:

1. Any finding of fact stated above that is also a conclusion of law is incorporated herein by reference.
2. This matter is properly before the Court. Notice of the Hearing was properly given to all defendants, and the Court has personal jurisdiction over all defendants. Further, this matter is within the subject matter jurisdiction of this Court, pursuant to Rule 53, SCRCPC, with any appeal to the Court of Appeals of South Carolina.
3. The Court denies the Motion for Continuance.
4. Prior to the Tax Sale of the Property, San Juan was the defaulting taxpayer and was the last record owner of the Property, pursuant to the deed dated June 1, 2000, and recorded on June 27, 2000, in the ROD in Book 3173, page 343. (*See Exhibit G.*)
5. In strict accordance with all statutory requirements, the Tax Collector provided all required notices to all interested parties entitled to notice, properly executed and levied upon the Property, and thereafter properly advertised and sold the Property to SB MUNI at the Tax Sale.
6. After providing the statutorily required notice of the approaching end of the redemption period to all interested parties entitled to notice in strict compliance with S.C. Code Ann. § 12-51-120, the Tax Collector conveyed the Property to SB MUNI through the Tax Deed.
7. The Court finds that the use of the abbreviated name of "SB MUNI CUST % LBSC-11, LLC" for the bidder in the Tax Deed was proper and was required by York County's software

3. All claims, rights, titles, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any other person or entity claiming under, by, or through any of the defendants in, to, or upon the Property are forever barred.

4. The Tax Sale extinguished all rights, titles, claims, interests, estates, liens, mortgages, judgments, and other creditors' claims in, to, or upon the Property, and all claims to the Property adverse to Plaintiff are forever barred.

5. The two-year statute of limitations of S.C. Code Ann. §§ 12-51-90(c) and 160 render Plaintiff's tax title incontestable and bar any and all post, present, and future claims concerning the Tax Sale of the Property.

6. Pursuant to Rule 41, SCRPC, Powell's Counterclaims are all dismissed with prejudice.

7. This Court hereby quiets and confirms marketable, fee simple title to the Property in Plaintiff, LB PARK, LLC, and the marketable, fee simple title of Plaintiff, LB PARK, LLC, to the Property is certain and free from all reasonable doubt.

8. The Tax Deed, the Quitclaim Deed, and all prior deeds in the chain of title for the Property are hereby reformed, *nunc pro tunc*, to reflect the correct recording information for the Plat, which was actually recorded in the ROD in Plat Book 73 at Pages 23-26.

9. The York County Register of Deeds shall record a copy of this Final Order.

10. The Court also notes that Andrew M. Rawl, Esq. is no longer employed by Haynsworth Sinkler Boyd, P.A. and is relieved as counsel for Plaintiff.

11. In the event that any person is occupying the Property, Plaintiff shall provide a copy of this Final Order to the York County Sheriff or his authorized deputies (collectively the

“Sheriff”), and upon receipt of a copy of this Final Order, the Sheriff is hereby ordered to perform as follows:

a. The Sheriff is hereby ordered, directed, and authorized to post a copy of this Final Order upon the Property and/or to serve a copy of this Final Order upon any person occupying the Property;

b. Not less than 15 days after said posting or service, the Sheriff shall be authorized to enter upon the Property, by force if necessary, and to seize the Property and to remove any and all persons occupying the Property from the Property, together with all of his/her/their personal property and possessions, and to put Plaintiff in full, peaceful and quiet possession of the Property without delay, and thereafter, within ten (10) days, make due Return to the Clerk of Court for York County, South Carolina, showing how this Final Order has been executed; and

c. The Sheriff shall have discretion to extend the date of seizure, but not more than 30 days from the date of said service or posting, absent a further Order.

AND IT IS SO ORDERED.

JUDGE’S SIGNATURE PAGE TO FOLLOW

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF YORK
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2020-CP-46-00549

LB PARK LLC

San Juan Holdings, et al.,

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Alexander G. Mende, Esq.	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: See attached Final Order.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : Action to Quiet Tax Title

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:
 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Presiding Judge	Judge Code	Date
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For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 2022 and a copy mailed first class or placed in the appropriate attorney's box on this day of _____, 2022 to attorneys of record or to parties (when appearing pro se) as follows:

Alexander G. Mende, Esq.
A. Parker Barnes III, Esq.
PO Box 11889
Columbia, SC 29211-1889

San Juan Holdings, Brett Osborne, the trustee
190 Aviation Lane
Gold Hill, NC 28071

ATTORNEY(S) FOR THE PLAINTIFF(S)

Brett Osborne as Trustee of San Juan Holdings
190 Aviation Lane
Gold Hill, NC 28071

Ryan Powell
3459 Mill Run
Raleigh, NC 27612

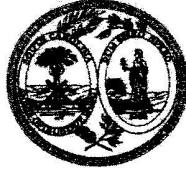
Ryan Powell
c/o 25056 Timberlake Drive
Fort Mill, SC 29708

ATTORNEY(S) FOR THE DEFENDANT(S)/DEFENDANTS

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



York Common Pleas

Case Caption: Lb Park Llc VS San Juan Holdings , defendant, et al

Case Number: 2020CP4600549

Type: Master/Order/Quiet Title and Form 4

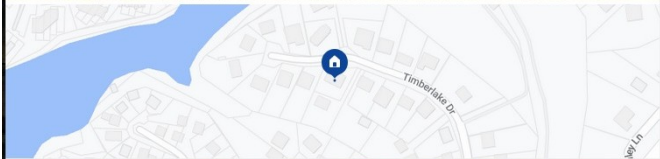
So Ordered

s/ Teasa K. Weaver 3084

Electronically signed on 2022-10-24 09:24:31 page 31 of 31

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https://www.zillow.com/homes/25056-Timberlake-Dr-Tega-Cay,-SC-29708_rb/11876171_zpid/



Zillow

Edit Save Share Mo

3 bd | 3 ba | 1,900 sqft

25056 Timberlake Dr, Tega Cay, SC 29708

Off market Zestimate®: \$386,300 Rent Zestimate®: \$2,495

Est. refi payment: \$2,318/mo Refinance your loan

Home value Owner tools Home details Neighborhood details

Home value

Zestimate \$386.300

Zestimate range \$359,000 - \$413,000

Last 30-day change + \$2,121 (+0.6%)

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

Case No. 2020-CP-46-00549

LB PARK, LLC,

Plaintiff,

vs.

MOTION FOR ORDER OF REFERENCE

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 commenced this action in equity to quiet its tax title to certain real property located in York County, South Carolina and hereby moves this Court, pursuant to Rule 53(b), SCRCF, to issue an Order of Reference, referring this equitable proceeding to the Honorable Teasa Kay Weaver, Master in Equity for York County, for the purpose of receiving evidence and with all appeals to be made directly to the South Carolina Court of Appeals.

[signature on following page]

s/ Andrew M. Rawl

Andrew M. Rawl
SC Bar No. 102807

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

June 23, 2020

Attorneys for Plaintiff

CASE NO. 2020CP4600549

Lb Park Llc
PLAINTIFF(S)

San Juan Holdings et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
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 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

After careful consideration, Plaintiff's Motion for Order of Reference to the Master in Equity is GRANTED.

Defendant's Motions to Dismiss are DENIED.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/20/2020 .

Brett Osborne Trustee
Brett Osborne
Ryan Powell for Ryan Powell
John Doe
Mary Roe
San Juan Holdings
Ryan Powell for Ryan Powell

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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York Common Pleas

Case Caption: Lb Park Llc VS San Juan Holdings , defendant, et al

Case Number: 2020CP4600549

Type: Order/Electronic Form 4

So Ordered

s/Daniel D. Hall 2753

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Teasa K. Weaver, Master-in Equity

Case No. 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.

Certificate of Service For
Expedited Motion to Reduce or Eliminate Bond

I certify that I served all Respondents with a copy of my Expedited Motion to Reduce or Eliminate 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

03/7/2023
Date

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