

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

May 15 2023

SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel Hall, Circuit Court Judge

Case No. 2019-CP-46-00310
Appellate Case No: 2019-000979

Ex Parte, Ryan Powell, Appellant,

In re LB PARK, LLC, Respondent,

v.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; 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, . . . Respondents.

**Motion to Strike Respondent's Final Brief, and
Motion to Strike Respondent's Supplemental Record**

Mandatory Judicial Notice

All judges on this Court are to take mandatory judicial notice under 201(d) SCRE of the following fact: Ryan Powell has registered his deed on February 23, 2023 in the York County Register of Deeds office in book 20628, page 278 ("Registered Deed") thereby putting his property under the jurisdiction of this State and giving him the right to use the courts of this State to protect and defend his property. A copy of Ryan Powell's Registered Deed is attached as Exhibit A and is fully incorporated herein by reference.

Motion to Strike Respondent's Final Brief

Comes now appellant, Ryan Powell ("Ryan"), who pursuant to Rule 240 SCACR and Rule 211(a) SCACR moves this Court to Strike Respondent's Final Brief that it filed and served after its filing deadline passed.

Conspiracy and Fraud On The Court Are The Reasons For Respondent's Final Brief Being Served and Filed Late

Clerk of Court, Jenny Kitchings ("Clerk"), deputy clerk, V. Claire Allen ("Allen"), and Respondent's appeal attorney Sarah P. Spruill ("Spruill") have been colluding and conspiring ("The Conspirators") to manipulate both this appeal and Ryan's 2022 appeal case (#2022-001650) in order to get both appeals dismissed. The method The Conspirators have used to achieve that goal is to attempt to deceive Ryan into believing that the timelines for perfecting his two appeals are being held in abeyance so that he misses a filing deadline upon which Clerk, and her deputy clerks, would be authorized to dismiss Ryan's appeals.

One example of how this conspiracy has played out is evidenced by Allen's letter dated April 17th. A copy of that letter is attached as Exhibit B and is fully incorporated herein by reference. In that letter, Allen states that this appeal is being held in abeyance, therefore Ryan's Final Brief will not be filed into the case record. Allen's letter fails to refer to any specific abeyance order because there is no abeyance order in the record. Even if there was an abeyance order in the case record, Clerk and her deputy clerks are not authorized to refuse to file into the case record a document that has been filed with the Court for any reason other than it does not meet the **form** requirements prescribed by Rule 267 SCACR. This is because Clerk and her deputy clerks only have ministerial duties and do not have any authority to make any judicial determination.

The most recent example of how this conspiracy has played out is evidenced by Clerk's letter to the parties dated May 4, 2023. See copy of Clerk's May 4th letter attached as Exhibit C and fully incorporated herein by reference. In that letter, Clerk gives Respondent and Ryan ten (10) days to file their Final Briefs. However, Ryan had already filed his Final Briefs sixteen (16) days earlier, on April 17th. See copy of Ryan's Certificate of Service for his Final Brief documents which is attached as Exhibit D and fully incorporated herein by reference. See April 17th filestamp on copy of the caption page of Ryan's Final Brief which is attached as Exhibit E and fully incorporated herein by

reference. See April 17th filestamp on copy of the caption page of Ryan's Final Reply Brief which is attached as Exhibit F and fully incorporated herein by reference¹.

Time For Respondent To Serve And File Its Final Brief Has Passed

According to Rule 211(a) SCACR, Respondent's Final Brief was due to be served within 20 days of the Record on Appeal having been served on them. Ryan timely served the Record on Appeal on April 3, 2023. See copy of the Certificate of Service for the Record on Appeal which is attached as Exhibit G and fully incorporated herein by reference. That means according to Rule 211(a) SCACR and Rule 263(a) SCACR, the time period for Respondent to serve its Final Brief ended on April 24, 2023. There is no court order in the record extending the time for Respondent to serve its Final Brief past April 24, 2023. Accordingly, Respondent's Final Brief served and filed on May 12th, has been served late and must be stricken from the record. See copy of Respondent's Certificate of Service for their Final Brief attached as Exhibit H and fully incorporated herein by reference.

Spruill undisputedly **knows** that there is no order holding in abeyance the timelines to perfect this appeal. That is why in her letter filing Respondent's Initial Brief and Designation of Matter for Ryan's 2022 appeal case (#2022-001650), Spruill pretended that she is not an appeal attorney with over 22 years experience. A copy of Spruill's filing letter is attached as Exhibit I and fully incorporated herein by reference. In her filing letter Spruill wrote - "*Just by way of explanation, this matter was held in abeyance pending a ruling on a motion to consolidate until May 2, 2023. While the motion was pending, the clerk's office assured me that the matter was in fact held in abeyance² and no filings were due. For that reason, Respondent did not believe the time for filing its initial brief and designation had expired.*" [emphasis and footnote mine].

If Spruill needs to consult with the "clerk's office" to determine her client's filing deadlines, then she is grossly incompetent and should be disbarred. But of course, Spruill

¹ As a result of Clerk's May 4th letter, Ryan felt that if he did not RE-file his Final Brief documents, which he had already filed on April 17th, Clerk would dismiss this appeal. Therefore, on May 9, 2023, under threat, duress, and coercion, Ryan RE-filed his Final Brief documents as evidenced by the second filestamp on each final brief document.

² The "clerk's office" should be renamed the "keeper of secret knowledge" as clearly The Conspirators are expecting this Court to believe that the "clerk's office" holds secret knowledge that only they can discern, probably by reading the tea leaves. This situation would be laughable if it wasn't so disgustingly corrupt.

is just pretending. The Conspirators have lied repeatedly about the timelines for perfecting this appeal being held in abeyance so they must continue to lie no matter how ludicrous their lies become. As the famous saying goes "*Oh, what a tangled web we weave...when first we practice to deceive.*".

Spruill cannot, and therefore will not, produce a copy of any court order showing that the timelines for perfecting this appeal were being held in abeyance on April 24th when Respondent's Final Brief was due. After Spruill fails to produce such a court order, this Court can not consider any of her false, specious, and frivolous arguments that she will be required to make in order to oppose this Motion being granted.

The Appeal Case Record Has Been Corrupted By The Conspiracy and Fraud On The Court

As evidenced by Allen's April 17th letter (see Exhibit B), Allen refused her ministerial duty to file into the case record Ryan's Final Brief documents that he timely filed into the Court on April 17, 2023 (see Exhibits D, E, & F). Ryan replied to Allen's April 17th letter in a letter dated April 19th. In that letter Ryan asked Allen the following rhetorical question: if the timelines for perfecting this appeal have actually been held in abeyance, why was the Record on Appeal that had been filed two weeks earlier on April 3, 2023 filed into the case record? See attached as Exhibit J a filestamped copy of Ryan's April 19th letter.

In response to Ryan's April 19th letter, Allen "unfiled" Ryan's April 3rd Record on Appeal and changed the identification of those documents in the docket from "Record - Record on Appeal - filed" to "correspondence - incoming correspondence". See screenshot of the online case docket attached as Exhibit K and fully incorporated herein by reference. Notwithstanding, there is no evidence in the case record showing that Ryan was ever given notice that his April 3rd corrected Record on Appeal had **not** been filed in the case record or that it had been "**unfiled**" from the case record (see Exhibit K).

Since the April 3rd corrected Record on Appeal was "unfiled" and since Ryan created his Final Brief and Final Reply Brief based on that corrected Record on Appeal, **Ryan's final briefs are now totally corrupted** as all the references in both of those briefs point to specific pages, lines, paragraphs of a Record on Appeal that is NO LONGER in the appeal case record! That means this Court will be unable to follow Ryan's Final Briefs! This is a travesty of justice and it is all because Clerk and Allen willfully and

intentionally corrupted the appeal case record. Their primary job is to "*ensures that the appeal reaches the Court in the form most accessible to the Judges, thus securing to the litigants a full and fair hearing.*"³. Since Ryan's two final briefs have been totally corrupted, if this motion is not granted, Ryan cannot receive a "full and fair hearing"!

Motion to Strike Respondent's Supplemental Record

Comes now Ryan, who pursuant to Rule 240 SCACR and Rule 212(b)⁴ SCACR moves this Court to Strike Respondent's Supplemental Record that was filed and served without Ryan's written consent and without leave of court.

Rule 212(b) SCACR requires written consent from "*all attorneys of record*" before a Supplemental Record can be filed. Since *pro se* parties act as their own attorney, then Rule 212(b) requires written consent also be obtained from any *pro se* party. If that were not true then Rule 212(b) SCACR would be unconstitutional as it would deprive *pro se* parties of the equal protection of the law that is mandated by both the State and federal Constitutions⁵. Accordingly, since Spruill never got Ryan's written consent to file a Supplemental Record and she never moved for leave of court to file a Supplemental Record, Respondent's Supplemental Record must be stricken from the record.

In Spruill's letter to the Clerk, submitted with Respondent's Final Brief and Supplemental Record, Spruill states she is filing a Supplemental Record because Ryan failed to include a document that she had listed in her Designation of Matter. See copy of Spruill's filing letter attached as Exhibit L and fully incorporated herein by reference. Spruill's allegation is false and fraudulent. Ryan included all three documents designated by Respondent in his corrected Record on Appeal that he served and filed on April 3, 2023. See copy of Respondent's Designation of Matter attached as Exhibit M and fully incorporated herein by reference. See copy of title page and index of Ryan's corrected Record on Appeal that he served and filed on April 3, 2023 attached as Exhibit N and fully incorporated herein by reference. Every document listed in Respondent's

³ <https://www.sccourts.org/appeals/clerk.cfm>

⁴ Rule 212(b) SCACR -"With the written consent of all attorneys of record, a party may supplement the Record on Appeal at any time before argument commences. Without such consent or after argument commences, a party desiring to supplement the Record on Appeal must move the appellate court for leave to do so."

⁵ See the Fourteenth Amendment to the Constitution of the United States and Article I, Section 3 of the Constitution of the State of South Carolina.

Designation of Matter (see Exhibit M) is found in the corrected Record on Appeal (see Exhibit N).

The problem allegedly solved by Respondent serving and filing a Supplemental Record arose because Allen "unfiled" Ryan's corrected Record on Appeal that he filed on April 3rd as fully discussed above on page 4 in the section titled "*The Appeal Case Record Has Been Corrupted By The Conspiracy and Fraud On The Court*". Because Allen's unauthorized "unfiling" of the corrected Record on Appeal, the Record on Appeal does not contain the documents that Respondent designated be included.

However, the proper procedure for Respondent to ensure the Record on Appeal contains all the documents it designated was NOT to file a Supplemental Record, but to file a motion to file the April 3rd corrected Record on Appeal into the case record. Another alternative might have been for Spruill to talk with Clerk, her co-conspirator and personal friend, and asked Clerk to correct the "error" that Allen made when she "unfiled" the corrected Record on Appeal. Nonetheless, filing a Supplemental Record without Ryan's written consent and without leave of court is not authorized by the Rules so the Supplemental Record must be stricken from the Record.

Conclusion

This Court must enter an order that accomplishes the following:

1. Strike Respondent's Final Brief from the case record;
2. Strike Respondent's Supplemental Record from the case record;
3. Refile into the case record Ryan's corrected Record on Appeal that he filed into the Court on April 3, 2023;
4. File into the case record Ryan's Final Brief and Final Reply Brief documents that he filed into the Court on April 17th;
5. Place this perfected appeal on the Court's hearing docket and give it a high priority to be heard as soon as possible since it was filed almost four (4) years ago in 2019 and has been delayed way too long which has denied Ryan his Constitutionally protected right to a speedy remedy for the wrongs he has sustained⁶;
6. Any other relief this Court deems just and proper.

May 15, 2023

/s Ryan Powell
Ryan Powell, Appellant
287 East Hawfields
Pittsboro, NC 27312

⁶ See Constitution of the State of South Carolina, Article I, Section 9, which reads - "All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained."

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.

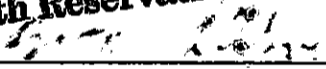
AND THE GRANTOR does hereby bind the Grantor, and the Grantors' heirs executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantee, his heirs and assigns, against the Grantor or the Grantors' heirs and against every person whomsoever lawfully claiming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

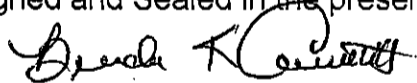
Grantor, SAN JUAN HOLDINGS:


By Brett Osborne, 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
20th day of December, 2012

Brenda K. Cant
Witness #1

Joy M. Uter

Notary Public for State of South Carolina
My Commission Expires: ~~12/30/12~~ 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

| |
|--------------------------------------|
| ASHLEY E. AMERSON |
| Notary Public |
| Wake Co., North Carolina |
| My Commission Expires Sept. 21, 2027 |



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 17, 2023

Ryan Powell
25056 Timberlanke Drive
Fort Mill SC 29708

Re: Ex Parte Ryan Powell (LB Park, LLC v. San Juan Holdings)
Appellate Case No. 2019-000979

Dear Mr. Powell:

The Court has received your final brief of appellant, reply, amended proof of service, and certification of final brief. As you were advised by letter dated March 21, 2023, the timelines of perfecting this appeal have been held in abeyance pending a ruling on the motion to consolidate. Thus, your documents have not been filed.

Very truly yours,

A handwritten signature in blue ink that reads "V. Claire Allen".

CLERK

cc: A. Parker Barnes, III, Esquire
Sarah P. Spruill, Esquire
Brett Osborne



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 04, 2023

Ryan Powell
25056 Timberlanke Drive
Fort Mill SC 29708

Mr. A. Parker Barnes, III, Esquire
PO Box 11889
Columbia SC 29211

Mrs. Sarah P. Spruill, Esquire
PO Box 2048
Greenville SC 29602

Brett Osborne
190 Aviation Lane
Gold Hill NC 28071

Re: Ex Parte Ryan Powell (LB Park, LLC v. San Juan Holdings)
Appellate Case No. 2019-000979

Dear Counsel and Mr. Powell:

Our records reflect it is time for all parties to serve and file the final briefs. You must file one electronic copy and one bound copy of the briefs within ten (10) days of the date of this letter. If further relief or action by the Court is desired, you must file a motion in compliance with Rule 240 of the South Carolina Appellate Court Rules (SCACR).

With regard to Mr. Powell's inquiries about the oath of office, the Secretary of State issued a commission for our Clerk of Court. It is our understanding that a bond has been issued, but the Court does not maintain records responsive to this request. Those records are maintained by the Office of Court Administration.

Very truly yours,

A handwritten signature in blue ink that reads "Jerry A. Kitch". The signature is written in a cursive style with a large, looping initial "J".

CLERK

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Apr 17 2023

SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

RECEIVED

May 09 2023

SC Court of Appeals

Daniel Hall, Circuit Court Judge

Case No. 2019-CP-46-00310
Appellate Case No: 2019-000979

Ex Parte, Ryan Powell, Appellant,

In re LB PARK, LLC, Respondent,

v.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; 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, Respondents.

Amended Certificate of Service For Appellant's Final Briefs

I certify that I have served on all Respondents, Appellant's Final Brief, Final Reply Brief, and Rule 211(b) SCACR Certification by and through their attorney of record by First Class Mail with proper postage affixed on the date below shown addressed as follows:

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

Brett Osborne
190 Aviation Lane,
Gold Hill NC 28071

April 17, 2023

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

RECEIVED

Apr 17 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel Hall, Circuit Court Judge

RECEIVED

May 09 2023

SC Court of Appeals

Case No. 2019-CP-46-00310
Appellate Case No: 2019-000979

Ex Parte, Ryan Powell, Appellant,

In re LB PARK, LLC, Respondent,

v.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; 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, Respondents.

FINAL BRIEF OF APPELLANT

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

Sarah P. Spruill
P.O. Box 2048 (29602)
Greenville, SC 29601
Appellate Attorney for Respondent LB PARK, LLC

Brett Osborne
190 Aviation Lane
Gold Hill NC 28071
Pro Se for Respondent San Juan Holdings, Brett Osborne, the trustee, and
Pro Se for Respondent Brett Osborne as Trustee of San Juan Holdings

RECEIVED

Apr 17 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel Hall, Circuit Court Judge

RECEIVED

May 09 2023

SC Court of Appeals

Case No. 2019-CP-46-00310
Appellate Case No: 2019-000979

Ex Parte, Ryan Powell, Appellant,

In re LB PARK, LLC, Respondent,

v.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; 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, Respondents.

FINAL REPLY BRIEF OF APPELLANT

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

Sarah P. Spruill
P.O. Box 2048 (29602)
Greenville, SC 29601
Appellate Attorney for Respondent LB PARK, LLC

Brett Osborne
190 Aviation Lane
Gold Hill NC 28071
Pro Se for Respondent San Juan Holdings, Brett Osborne, the trustee, and
Pro Se for Respondent Brett Osborne as Trustee of San Juan Holdings

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
Daniel Hall, Circuit Court Judge

Case No. 2019-CP-46-00310
Appellate Case No: 2019-000979

Ex Parte, Ryan Powell, Appellant,

In re LB PARK, LLC, Respondent,

v.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; 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, . . . Respondents.

Certificate of Service For Record on Appeal

I certify that I served Respondents with a copy of the Record on Appeal by and through their attorney of record by First Class Mail with proper postage affixed on the date below shown and addressed as follows:

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

Brett Osborne
190 Aviation Lane,
Gold Hill NC 28071

April 3, 2023

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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel Hall, Circuit Court Judge

Case No. 2019-CP-46-00310
Appellate Case No. 2019-000979

Ex Parte, Ryan PowellAppellant,

In re LB PARK, LLCRespondent,

v.

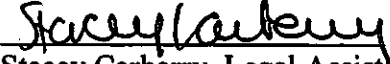
San Juan Holdings, Bret Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 250056 Timberlake Drive, York County, 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..... Respondents.

PROOF OF SERVICE

I certify that I have served *Respondent's Final Brief, Certification of Counsel, and Supplemental Record on Appeal* on all parties of record by depositing a copy of the same in the United States Mail, postage prepaid, on May 12, 2023, addressed to:

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

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


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



HAYNSWORTH SINKLER BOYD, P.A.
ONE NORTH MAIN STREET, 2ND 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

May 12, 2023

VIA EMAIL

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

RECEIVED
May 12 2023
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 *Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal* together with our Proof of Service for the same.

Respondent is happy to comply with the deadline set in the Court's letter of May 4, 2023. Just by way of explanation, this matter was held in abeyance pending a ruling on a motion to consolidate until May 2, 2023. While the motion was pending, the clerk's office assured me that the matter was in fact held in abeyance and no filings were due. For that reason, Respondent did not believe the time for filing its initial brief and designation had expired.

Please note service on counsel of record by copy of this letter. 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
A. Parker Barnes, III (pbarnes@hsblawfirm.com)

April 19, 2023

V. Claire Allen
Chief Deputy Clerk, South Carolina Court of Appeals
VIA EMAIL to ctappfilings@sccourts.org

RECEIVED

Apr 19 2023

SC Court of Appeals

Re: Ex Parte Ryan Powell (LB Park, LLC v. San Juan Holdings)
Appellate Case No. 2019-000979

Ms. Allen,

I am in receipt of your April 17, 2023 letter informing me that you have removed from the record my Final Brief documents that I filed with the Court on April 17th. I believe your position expressed in your letter is incorrect and untenable. You state you removed my filed documents because the case is allegedly being "held in abeyance" but there is no court order in the record showing that the case has ever been ordered to be "held in abeyance". Without a court order, a letter is simply not the proper method for putting an appeal into abeyance.

If the filing of my Final Brief documents were removed because the appeal is allegedly being held in abeyance, then why did you not remove my Record on Appeal documents filed on April 3, 2023, thirteen (13) days **after** you wrote a letter to the parties informing them that you had *sua sponte* decided to put this appeal into abeyance without notice, motion, or court order?

My contention that there must be a court order to hold an appeal in abeyance pending a decision on Respondent's motion to consolidate this appeal can easily be proven to be correct by reading Rule 240(b) SCACR -

"Stay of Time Limits. Unless otherwise provided by these Rules, **or ordered by the appellate court**, the time limits imposed by these Rules **shall not be stayed by the filing of a motion or petition**. A motion to dismiss an appeal or a motion to relieve counsel shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided." [emphasis mine].

Notwithstanding, an abeyance would be an inappropriate remedy to stay the time limits for perfecting an appeal. A motion to stay the time limits, and an order staying the time limits, would be the correct procedure to follow. So why are you attempting to defraud me? What is your motive and who has instructed you to take these actions?

I demand that you do your job and immediately re-file my Final Brief documents that you erroneously removed from the record.

/s Ryan Powell
Ryan Powell, Appellant

Cc: Sarah P. Spruill, mailed to her address of record
Brett Osborne, mailed to his address of record

- Party Information

| Appellate Role | Party Name | Former | Attorney(s) |
|----------------|---------------|--------|--|
| Appellant | Ryan Powell | N | Self Represented |
| Respondent | LB Park, LLC | N | A. Parker Barnes, III Sarah P. Sprull |
| Respondent | Brett Osborne | N | Self Represented |

Views

Display:

Event Information

| Filed Date | Event Information | Doc |
|------------|--|-----|
| 05/12/2023 | Record - Supplemental | |
| 05/12/2023 | Final Brief - Respondent | |
| 05/09/2023 | Final Brief - Reply | |
| 05/09/2023 | Final Brief - Appellant | |
| 05/05/2023 | Correspondence - Incoming (Letter from Appellant Regarding May 4, 2023 Letter) | |
| 05/04/2023 | Correspondence - Outgoing (To Provide Final Briefs Letter) | |
| 05/02/2023 | Correspondence - Incoming (Appellant's Response to Court's Response to Appellant's Response to Court Regarding Final Briefs Filed) | |
| 05/02/2023 | Correspondence - Incoming (Email from Counsel Regarding Timelines) | |
| 05/02/2023 | Non-Dispositional Decision - Order Denying Motion to Consolidate | |
| 04/24/2023 | Correspondence - Outgoing (Court's Response to Appellant's Response to Court Regarding Final Briefs Filed) | |
| 04/19/2023 | Correspondence - Incoming (Appellant's Response to Court Regarding Final Briefs Filed) | |
| 04/17/2023 | Correspondence - Outgoing (Response to Appellant Filing Appellant's Final Brief Reply Brief, Amended Proof of Service, and Certification of Final Brief) | |
| 04/17/2023 | Correspondence - Incoming (Appellant's Final Brief Reply Brief, Amended Proof of Service, and Certification of Final Brief) | |
| 04/06/2023 | Amended Motion - Consolidate | |
| 04/03/2023 | Correspondence - Incoming (Record on Appeal) | |
| 03/21/2023 | Correspondence - Outgoing (Case HIA, ROA premature) | |
| 03/20/2023 | Correspondence - Incoming (Attachment for Reply Brief) | |
| 03/20/2023 | Initial Brief - Reply | |

**HAYNSWORTH
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.
ONE NORTH MAIN STREET, 2ND 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

May 12, 2023

VIA EMAIL & U.S. MAIL

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

RECEIVED

May 12 2023

SC Court of Appeals

Re: *Ex Parte, Ryan Powell, In re LB PARK, LLC v. San Juan Holdings, Brett Osborne trustee, et al.*; C.A. No.: 2019-CP-46-00310
Appellate Case No.: 2019-000979

Dear Ms. Kitchings:

This firm represents the Respondent in the above-captioned matter. Enclosed for filing, please find *Respondent's Final Brief, Certification of Counsel and Supplemental Record on Appeal*, together with our Proof of Service for the same.

The Supplemental Record is being submitted consistent with Rules 209 and 212, SCACR because the Appellant failed to include one item designated by the Respondent in the Record on Appeal.

An additional bound copy of each is enclosed with the mailed copy of this letter.

Thank you for your assistance in this matter.

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac

Enclosure

cc: Ryan Powell
Brett Osborne
A. Parker Barnes, III (pbarnes@hsblawfirm.com)

Mar 16 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel Hall, Circuit Court Judge

Case No. 2019-CP-46-00310

Ex Parte, Ryan Powell Appellant,

In re LB PARK, LLC Respondent,

v.

San Juan Holdings, Bret Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; 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..... Respondents.

RESPONDENT’S DESIGNATION OF MATTER

In addition to those materials previously designated by the Appellant, Respondent LB Park, LLC proposes the following matter to be included in the Record on Appeal:

1. Complaint with Exhibits
2. Motion for Order of Reference
3. Stipulation of Dismissal

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ Sarah P. Spruill

Sarah P. Spruill (SC Bar No. 68337)

P.O. Box 2048 (29602)

Greenville, SC 29601

(864) 240-3200

sspruill@hsblawfirm.com

A. Parker Barnes III (SC Bar No. 68359)

P.O. Box 11889

Columbia, South Carolina 29211-1889

(803) 779-3080

pbarnes@hsblawfirm.com

Attorneys for Respondent LB PARK, LLC

March 16, 2023

RECEIVED

Apr 03 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel Hall, Circuit Court Judge

Case No. 2019-CP-46-00310
Appellate Case No: 2019-000979

Ex Parte, Ryan Powell, Appellant,

In re LB PARK, LLC, Respondent,

v.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; 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, Respondents.

RECORD ON APPEAL

Ryan Powell, Appellant
c/o 25056 Timberlake Drive
Fort Mill, SC 29708
(919) 400-6339

Sarah P. Spruill
P.O. Box 2048 (29602)
Greenville, SC 29601
(864) 240-3220
Attorney for Respondent LB PARK, LLC

RECORD ON APPEAL - INDEX

Order Denying Motion to Dismiss or Intervene.....2
 Order Granting Motion for Reference.....5
 Complaint With Exhibits.....8
 Transcript of May 30, 2019 Hearing Pages 4-12.....32
 Special Appearance Motion to Dismiss or Intervene.....42
 Memorandum of Law in Support of Motion to Dismiss.....50
 Opposition to Motion for Reference.....59
 Stipulation of Dismissal.....60
 Brett Osborne's Answer/Letter/Response.....62
 Rule 210 (g) SCACR Certification of Record on Appeal.....63