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Aug 30 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.

**Reply to Return to Appellant's Amended Motion to Reinstate**

Comes now Appellant, Ryan Powell ("Ryan"), who pursuant to Rule 240(f) SCACR makes this Reply to Respondent's Return to his amended motion to reinstate this appeal ("Return").

Respondent's fraudulent Return basically boils down to the following one objection -> this appeal was properly dismissed because "Powell" admits he did not serve a copy of the Record on Appeal on the Respondent and he was given notice and an opportunity to "correct the situation" but he "failed to do so". In other words, according to Respondent this appeal was properly dismissed because Ryan followed the requirements of Rule 210(a) SCACR! Respondent fraudulently failed to admit in its Return that at the time that Ryan filed/served his Record on Appeal ("ROA"), Respondent had failed to file their initial brief ("Brief") or designation of

matter ("DOM"), so according to Rule 210(a) SCACR Ryan was NOT required to serve a copy of his ROA on Respondent -

Rule 210(a) SCACR - "(a) Time for Service. Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal **on each party who has served a brief.**".

Respondent failed to object to any other issue raised by Ryan in his Amended Motion to Reinstate so Respondent has acquiesced by its silence to every issue raised by Ryan therein.

In the clerk of this court Jenny A. Kitchings' ("Kitchings"), May 23rd letter she requests that both parties file one printed bound version of their ROA and their final briefs. A copy of her May 23rd letter is attached as Exhibit A and is incorporated herein by reference. In order for her to have requested a printed bound copy of those documents the parties would have already had to have filed/served those documents. In other words, on May 23rd Kitchings letter (Exhibit A) proves that all appeal documents from BOTH parties had already been filed/served with the Court!

So what happened between the time of Kitchings' May 23rd letter (Exhibit A) and July 25th when she wrote another letter (Exhibit F) demanding that Ryan **SERVE** his ROA on Respondent who had already filed/served their final brief and had also filed a printed bound copy of their final brief? Kitchings ran out of ideas on how to dismiss Ryan's appeal so she schemed up a new idea to demand that Ryan violate the rules and do something that clearly was not needed, remember Respondent had already filed/served their final brief and had already filed a printed bound copy of it with the Court. When Ryan refused to violate the Rules, Kitchings dismissed his appeal. If Ryan had acceded to Kitchings' fraudulent demands she would have more than likely dismissed Ryan's appeal for violating the Rules. In other words, between May 23rd and July 25th Kitchings schemed up a new plan to dismiss Ryan's appeal no matter what he did or did not do!

Furthermore, and most importantly, Respondent **intentionally** missed its filing/service deadline for its initial brief ("Brief") and designation of matter ("DOM") because its attorney, Sarah P. Spruill ("Spruill") was conspiring with the Kitchings to commit mail fraud with the goal being to make Ryan believe that his appeal was being held in abeyance hoping that he would then miss a filing/service deadline so that his appeal could then be "legally" dismissed.

A copy of this Court's March 21st letter lying about the timelines for this appeal being held in abeyance is attached as Exhibit B and incorporated herein by reference. **There was no abeyance order in affect on March 21st!** A copy of Kitchings' order giving Respondent until April 24th to file/serve its Brief and DOM is attached as Exhibit C and incorporated herein by reference. A copy of Ryan's certificate of service for his final brief is attached as Exhibit D and incorporated herein by reference. A copy of Kitchings July 25th letter is attached as Exhibit E and incorporated herein by reference.

Kitchings and Spruill were pretending, on April 24th when Respondent's Brief and DOM were due to be filed/served (Exhibit C), that this appeal was being held in abeyance hoping that Ryan would miss his filing/service deadline for his final brief. However, Ryan timely filed/served his final brief on May 2nd (Exhibit D) which perfected this appeal. As part of their conspiracy to commit mail fraud, Spruill had to miss Respondent's Brief and DOM filing/service deadlines or else the conspirator's fraud would have been exposed. Spruill made her choice to commit mail fraud instead of complying with the Rules and timely filing/serving her client's Brief and DOM. It is Respondent that must pay for Spruill's decision to miss her deadlines **NOT RYAN** who has paid the price for her decision!

This appeal was dismissed as part of the conspiracy to commit mail fraud that had already been committed by Kitchings and Spruill well over the "at least two acts" required by the Racketeering Influenced and Corrupt Organizations Act (RICO) to constitute a felony crime. Further, this appeal was dismissed because of Chief Judge H. Bruce Williams' void remand order that made this case possible. If this Court does not **reverse** Kitching's and Spruill's fraudulent dismissal, and reinstate this appeal, this Court will become a part of their conspiracy to commit mail fraud under the RICO act since this Court's order will have to be served on Ryan via the US mail system pursuant to the Court Rules.

Reverse or vacate the order that fraudulently dismissed this appeal and reinstate it.

August 30, 2023

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



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
DEPUTY CLERK

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May 23, 2023

Ryan Powell  
c/o 25056 Timberlake 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

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

Dear Counsel and Mr. Powell:

Our records reflect the time is approaching to file the record on appeal and final briefs. The Supreme Court issued an order reducing the number of copies required in appellate matters. See *Re: Reduced Number of Copies Required in Appellate Matters* (S.C. Sup. Ct. Order dated August 25, 2021). As permitted by the order, the Court of Appeals has determined a need exists for one additional bound copy of the record on appeal and all final briefs. The additional copies must comply with any binding or cover color requirements specified by Rule 267 of the South Carolina Appellate Court Rules (SCACR).

Accordingly, each party must file an original record on appeal and/or final brief, in

either electronic or unbound paper form, as well as one bound paper copy, at the time the record on appeal and final briefs are due to be served and filed in accordance with the SCACR.

Additionally, please review the following guidelines as you prepare your record on appeal and final briefs:

Pursuant to Rules 209, 210, and 267, SCACR, the record on appeal must include the following:

1. The correct case title (provided below) and caption as set forth in Rules 210(d) and 267, SCACR.
2. The name and contact information for all counsel representing the parties to the appeal. Please do not include names of counsel that have not previously made an appearance in this case.
3. A certificate of counsel, pursuant to Rule 210(g), SCACR.
4. A proof of service of the record on appeal, if one has not already been filed with this Court.
5. All matters designated by the parties pursuant to Rule 209, SCACR, in compliance with Rule 210(c) and (e), SCACR.
6. The binding for the copies of the record on appeal must be in compliance with Rule 267(d), SCACR.

Pursuant to Rules 211 and 267, SCACR, all final briefs must include the following:

1. The correct case title (provided below) and caption as set forth in Rules 210(d) and 267, SCACR.
2. The name and contact information for counsel filing the brief. If you are filing your final brief pro se, you must include your name and contact information on the cover of the brief.
3. The signature of the person filing the brief should be on the conclusion page.
4. A certificate of counsel for the final brief, pursuant to Rule 211, SCACR.
5. A proof of service of the final brief. Mail receipts will not be accepted in lieu of proper proof of service.
6. The binding for the copies of all final briefs must be in compliance with Rule 267(d), SCACR.

According to our records, the correct caption for this appeal should read as follows on the record on appeal and all final briefs:

**LB PARK, LLC, Respondent,**

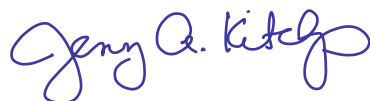
**v.**

**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 643-10-01-023, 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,**

**Of whom Ryan Powell is the Appellant.**

We request large parcels such as bound paper copies of final briefs and the record on appeal be sent directly to the Court via the street address: 1220 Senate Street, Columbia, S.C. 29201. Thank you for your attention. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitzly". The signature is fluid and cursive.

CLERK



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

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March 21, 2023

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

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

Dear Mr. Powell:

The Court has received your expedited motion to reduce or eliminate appeal bond. Upon review, the Court has declined to rule upon your motion pursuant to Rule 240(i), South Carolina Appellate Court Rules (SCACR). Furthermore, the Court has received a motion to consolidate and the timelines for perfecting the appeal will be held in abeyance pending a ruling on the motion.

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

# 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

The Honorable Teasa Kay Weaver  
York County  
Trial Court Case No. 2020CP4600549

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ORDER

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The time for serving and filing the initial brief of respondent and designation of matter is hereby extended until April 24, 2023.

FOR THE COURT

BY

*Catherine Hannibal, deputy*

CLERK

Columbia, South Carolina

cc:

Ryan Powell

A. Parker Barnes, III, Esquire

Sarah P. Spruill, Esquire

**FILED**  
**Mar 21 2023**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

Teasa K. Weaver, Master In Equity

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Case No. 2020-CP-46-00549  
Appellate Case # 2022-001650

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

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Certificate of Service For Appellant's Final Brief

---

I certify that I have served on Respondent Appellant's Final Brief and Rule 211 (b) SCACR Certification of Final Brief 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

May 2, 2023

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



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
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July 25, 2023

Ryan Powell  
287 East Hawfields  
Pittsboro NC 27312

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

Dear Mr. Powell:

Pursuant to the Court's order dated June 28, 2023 and Rule 210 of the South Carolina Appellate Court Rules (SCACR) you must serve and file the April 28, 2023 record on appeal upon respondent within ten (10) days of the date of this letter or your appeal will be dismissed.

In addition, the Court received your letter dated July 19, 2023. We construe your filing as a request to withdraw your initial reply brief. Accordingly, we will proceed with our review of this appeal without consideration of your reply brief.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings". The signature is fluid and cursive.

CLERK

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

**RECEIVED**

**Aug 30 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 No. 2020-CP-46-00549  
Appellate Case # 2022-001650

LB PARK, LLC, ..... Respondent,

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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 Appellant's  
Reply to Return to Amended Motion to Reinstate

I certify that I have served on Respondent Appellant's Reply to Return to Motion to Reinstate 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

August 30, 2023

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