

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

**RECEIVED**

C.A. No.: 2023-CP-46-00067

DEC 27 2023

Appellate Case No. 2023-00775

**SC Court of Appeals**

RYAN POWELL and KAREN POWELL ..... Appellants

v.

SB MUNICIPAL IS THE CUSTODIAN OF LBSC-11, LLC; SB MUNI  
CUST % LBSC, LLC; LB PARK, LLC, JOSHUA SCHRAGER AND  
LAMBROS XETHALIS ..... Respondents.

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**RETURN TO EXPEDITED MOTION TO CERTIFY APPEAL**

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The above-named Respondents (“Respondents”) file this return in opposition to Appellants’ Expedited Motion to Certify Appeal (“Motion”) and shows as follows:

1. Appellants Ryan Powell (“Ryan”) and Karen Powell (“Karen”) (collectively, “Appellants”) filed their Notice of Appeal in this case on May 11, 2023.
2. Appellants filed their Initial Brief on October 30, 2023.
3. On December 1, 2023, Counsel for Respondents filed a Motion for Extension of Time to file and serve Respondents’ Initial Brief and Record on Appeal. Respondents’ Motion was granted on December 5, 2023.
4. Appellants served their Motion on Respondents on or about December 14, 2023, apparently filing such Motion in the Court of Appeals instead of the Supreme Court. A copy of the Appellants’ Motion is attached hereto as Exhibit A.

5. In support of their Motion, Appellants reference purportedly wrongful acts they contend were taken by counsel for Respondent in related litigation in Appellate Case 2022-001650 (the “2022 Case”) as well as by the Chief Judge of the Court of Appeals, resulting in the dismissal of the 2022 by that Court. In reality, the Court dismissed Appellants’ appeal for their own failure and/or refusal to serve the record on appeal, in defiance of the Court’s specific instructions. See, Order in 2022 Case dated August 8, 2023, attached hereto as Exhibit B.

6. Appellants further contend that the extension granted to the undersigned by this Court in this case and the return of their final brief constitutes fraud and/or unspecified “crimes of moral turpitude.” Appellants make specious and frivolous claims of a conspiracy of the Chief Judge and Clerk of the Court of Appeals and the undersigned to somehow prejudice their appeal. Similarly outrageous claims were asserted in the 2022 Case and have no basis in fact or law. See, Motion to Strike Respondent’s Initial Brief and Designation of Matter, dated May 15, 2023, in the 2022 Case. Appellants repeatedly abuse the leniency afforded *pro se* parties. Their reckless assertions and wild claims would likely be grounds for sanctions against a licensed attorney and should not be countenanced by the Courts.

7. None of the Appellants’ assertions involve any issue of public interest or legal principle of major importance. In fact, the only issues raised by the Motion relate to Appellants’ unfounded accusations of fraud and conspiracy that have been rejected before in the 2022 Case and should be rejected again.

8. To the extent the Court of Appeal has the power to certify cases to the Supreme Court, Appellants’ Motion should be denied. Out of an abundance of caution, a copy of this Return is being filed simultaneously with the South Carolina Supreme Court.

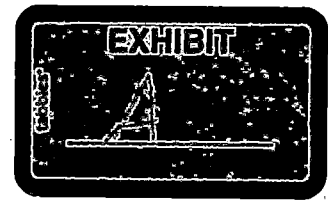
**CONCLUSION**

Appellants' Motion raises no grounds for certification under SCACR 204(b) and should be denied in all respects.

December 21, 2023

A handwritten signature in black ink, appearing to read 'Daniel J. Ballou', is written over a horizontal line. The signature is stylized and somewhat cursive.

Daniel J. Ballou  
MORTON & GETTYS, LLC  
P.O. Box 707  
Rock Hill, SC 29731  
*Attorney for Respondents*



THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas  
William A. McKinnon, Chief Admin. Judge

Case No. 2023-CP-46-000607  
Appellate Case # 2023-00775

Ryan Powell and Karen Powell, ..... Appellants,

v.

SB Municipal is the Custodian of LBSC-11, LLC;  
SB MUNI CUST % LBSC-11, LLC;  
LB PARK, LLC; Joshua Schragar; and Lambros Xethalis, . . . . . Respondents.

**Expedited Rule 204(b) SCACR Motion To Certify Appeal**

Comes now Appellants Ryan Powell and Karen Powell who pursuant to Rule 204(b) SCACR move this Court to certify this appeal to be heard by this Supreme Court based on the grounds shown hereinafter. Appellants also request the hearing of this motion to be expedited because this appeal could be unlawfully and fraudulently dismissed at any moment.

**Pertinent Background Facts**

Respondent LB PARK LLC's previous appeal attorney, Sarah P. Spruill ("Spruill"), along with the Clerk of the Court of Appeals, Jenny Abbot Kitchings ("Kitchings"), and the Chief Judge of the Court of Appeals, H. Bruce Williams ("Williams"), appear to have committed multiple crimes of moral turpitude including fraud, RICO/mail fraud, conspiracy, and deprivation of rights under color of law, when they all worked together to manipulate Appellant Ryan Powell's appeal in an earlier related case (Appellate Case# 2022-001650) in order to

unlawfully dismiss it ("Ryan's Earlier Appeal"). The order that is on appeal in Ryan's Earlier Appeal is a final quiet title order that was made by the York County Master in Equity, Teasa K. Weaver ("Weaver"), without having subject matter jurisdiction to do so ("Void Order"). Spruill, Kitchings, and Williams fraudulently dismissed Ryan's Earlier Appeal because they are prejudiced against Ryan for his political beliefs that he had a right to own private property. The Court of Appeals knows that if Ryan's Earlier Appeal is heard, it would have had to rule for Ryan. The easiest solution for them to solve that problem was to not hear Ryan's Earlier Appeal.

### **Judicial Notice**

The above facts are fully documented, explained, and evidenced in Appellant Ryan Powell's Petition for Writ of Certiorari to the Court of Appeals and the Appendix for that Petition that were both filed into this Court on October 17, 2023 (Supreme Ct. Case# 2023-001620). This Court is requested to take Judicial Notice of that Petition and Appendix pursuant to Rule 201(c) SCRE. The crimes of moral turpitude documented, explained, and evidenced in that Petition and Appendix now appear to be continuing in this appeal with the exception that Spruill has been replaced by Respondents' new attorney Daniel J. Ballou ("Ballou").

### **Grounds For Transferring Jurisdiction Over This Appeal**

This appeal is of an independent action brought by Appellants in the York County Circuit Court to collaterally attack Weaver's Void Order. This appeal raises both a significant public interest and a significant legal principle of major importance. The public has an interest in their judicial system not resorting to committing crimes of moral turpitude in order to avoid having to hear appeals of unlawful orders that illegally stole the home, property, and rights of a person who owns property in this State. The significant legal principle of major importance is similar, i.e., do employees of the judicial system, along with licensed attorneys, have the legal authority to

commit crimes of moral turpitude in order to facilitate the theft of a home, property, and the rights of a person who owns property in this State.

### **Evidence Of Fraud Being Committed In This Appeal**

Appellants timely filed and served their Initial Brief and Designation of Matter on October 30, 2023. See attached as Exhibit A, and fully incorporated herein by reference, a copy of Appellants' Certificate of Service for their Initial Brief and Designation of Matter.

According to Rule 208(a)(2) SCACR, Respondents had a filing deadline of November 29, 2023 for their initial brief<sup>1</sup>. However Respondents' attorney, Ballou, waited for his clients' filing deadline to expire and then one day later on December 1, 2023 he filed a Motion for Extension of Time to extend the deadline to file Respondents' brief. How can a deadline be extended after it has expired? It cannot! See attached as Exhibit B, and fully incorporated herein by reference, a copy of Respondents' Motion for Extension of Time.

Ballou is a **partner** in the law firm of Morton and Getty. He has experience litigating in the courts of this State at both the trial court and appellate court levels for over thirty (30) years. See attached as Exhibit C, and fully incorporated herein by reference, a CV written by Ballou that he posted on his law firm's website. It would be **impossible** for a **partner** of a major law firm to accidentally miss his filing/service deadline or to accidentally forget to show any "good cause" for having missed his deadline (see Exhibit B). Ballou knows a deadline cannot be extended after it has expired. Appellants filed a return to Ballou's Motion for Extension of Time. See attached as Exhibit D, and fully incorporated herein by reference, a copy of Appellants' Return.

Despite Ballou, Kitchings, and Williams' unwarranted belief that Appellants are so credulous that they would accede to their attempted fraud, Appellants knew the Rules required them to continue to perfect their appeal after Ballou filed his fraudulent motion. So Appellants properly

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<sup>1</sup> 208(a)(2) - "Within thirty (30) days after service of appellant's brief, respondent shall serve one copy of his brief".

and timely filed their Record on Appeal ("ROA") on December 6, 2023. See attached as Exhibit E, and fully incorporated herein by reference, a copy of Appellants' Certificate of Service for their ROA.

The following day Appellants filed and served their Final Brief. See attached as Exhibit F, and fully incorporated herein by reference, a copy of Appellants' Certificate of Service for their Final Brief. Upon filing their Final Brief, this appeal became perfected and it should have been given the "status" of "ready to be heard". But that did not happen because Kitchings fraudulently marked the "event information" field for Appellants' ROA and their Final Brief as "incoming correspondence" instead of identifying those two documents as the specific documents that they are. See attached as Exhibit G, and fully incorporated herein by reference, a screenshot of the docket for this appeal that shows Kitchings manipulation of Appellants' filed documents.

On the day immediately after this appeal became perfected (see Exhibits F & G), Williams signed an order granting Ballou's motion permitting Respondents to extend their expired deadline. See attached as Exhibit H, and fully incorporated herein by reference, a copy of the Williams' December 8, 2023 order.

Williams' order was entered within seven (7) days of Ballou's motion being filed. Seven (7) days is an extremely quick disposition time for the Court to enter an order even for an "emergency" or "expedited" motion. Most importantly, Williams' order was issued the very next day after this appeal became perfected which then made it **impossible to continue to attempt to defraud** Appellants into missing a deadline while perfecting their appeal since their appeal had already been perfected! This indisputable fact alone is fairly conclusive evidence that Kitchings, Williams, and Ballou were fraudulently attempting to dismiss this appeal.

This exact same attempted fraud was committed by Spruill, Kitchings, and Williams numerous times in Ryan's Earlier Appeal with the only difference being that after Ryan informed

Kitchings that he knew her actions may constitute the felony crime and tort of RICO/mail fraud, she ceased committing that specific crime and tort. This is evidenced by the fact that Kitchings did not sign or mail a letter to Appellants stating some random fabricated fraudulent reason for why she mishandled Appellants' properly and timely filed ROA and Final Brief like she did numerous times in Ryan's Earlier Appeal.

If this Court does not transfer jurisdiction over this appeal, the conspirators will eventually manipulate this appeal into a corner where they will then fraudulently dismiss it no matter what actions Appellants take or do not take as was done in Ryan's Earlier Appeal. Or if the conspirators do not succeed in dismissing this appeal, the Court of Appeals may use fraud, dishonesty, and/or prejudice to decide its outcome. No one would ever assume the financial, political, and other risks that come with the commission of numerous torts and felony crimes in order to avoid having to hear an appeal **if the appeal was without merit!**

#### Conclusion

Since this appeal raises significant issues of public interest and also entails legal principles of major importance, this Court must certify this appeal for review so that these important issues can be handled and heard with the integrity, impartiality, and rule of law that are required so as to not violate the due process rights of Appellants. The hearing of this motion should also be expedited as this appeal could be unlawfully and fraudulently dismissed at any time.

December 14, 2023

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

/s Karen Powell  
Karen Powell, Appellant  
c/o 287 East Hawfields  
Pittsboro, NC 27312

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

**Oct 30 2023**

**SC Court of Appeals**

APPEAL FROM YORK COUNTY  
Court of Common Pleas  
William A. McKinnon, Chief Admin. Judge

Case No. 2023-CP-46-00067  
Appellate Case # 2023- 00775

Ryan Powell and Karen Powell, ..... Appellants,

v.

SB Municipal is the Custodian of LBSC-11, LLC;  
SB MUNI CUST % LBSC-11, LLC;  
LB PARK, LLC; Joshua Schrage; and Lambros Xethalis, ..... Respondents.

**Certificate of Service for Appellants' Initial Brief**

I certify that I served all Respondents, by and through their attorney of record with a copy of this CoS, Appellants' Initial Brief, and Appellants' Designation of Matter by First Class Mail with proper postage affixed on the below date addressed as follows:

Daniel Ballou  
P.O. Box 707,  
Rock Hill, SC 29731  
Attorney for Respondents

October 30, 2023  
Date

/s Karen Powell  
Karen Powell, Appellant  
c/o 287 East Hawfields  
Pittsboro, NC 27312

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

C.A. No.: 2023-CP-46-00067

Appellate Case No. 2023-00775

RYAN POWELL and KAREN POWELL ..... Appellants

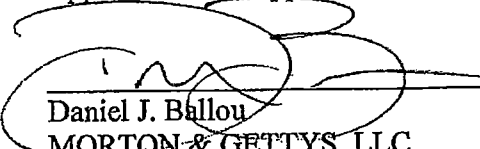
v.

SB MUNICIPAL IS THE CUSTODIAN OF LBSC-11, LLC; SB MUNI  
CUST % LBSC, LLC; LB PARK, LLC, JOSHUA SCHRAGER AND  
LAMBROS XETHALIS ..... Respondent.

**MOTION FOR EXTENSION OF TIME**

Counsel for Respondents hereby moves the Court to grant an extension to file Respondents' Initial Reply Brief and Designation of Matter until January 5, 2024. Due to the undersigned's schedule and court appearances, Counsel requests additional time to prepare the initial brief and to address the numerous issues raised by the Appellant in this appeal.

December 1, 2023

  
\_\_\_\_\_  
Daniel J. Ballou  
MORTON & GETTYS, LLC  
P.O. Box 707  
Rock Hill, SC 29731  
*Attorney for Respondents*

# DANIEL J. BALLOU

## PARTNER

E [dan.ballou@mortongettys.com](mailto:dan.ballou@mortongettys.com)  
P 803.366.3457  
F 803.366.4044

### Paralegal

Shamira Thomas

### Practice Areas

Business & Corporate  
Business Contracts  
Construction Litigation  
Collections Litigation  
Civil Litigation  
Construction Litigation  
Employment Litigation  
Real Estate Litigation  
Collections Litigation  
Administrative Law  
Land Use and Zoning  
Education Law  
Civil Litigation

**Being a lawyer means being a problem solver. Whether in council chambers, the board room or the courtroom, achieving the best results for the client and finding effective and efficient solutions to their problems is my goal.**

Dan is a seasoned civil litigator with experience at all levels of federal and state courts in South Carolina. He represents clients in hearings and trials in the court system as well as before local councils, agencies and commissions.

He has tried many lawsuits, including both jury and bench trials. He also represents clients in urgent matters such as temporary restraining orders and preliminary injunctions. As a veteran lawyer, he is prepared to battle for clients at the trial level and continue through the appellate

courts if necessary.

Dan also helps companies interested in building or expanding in the Central Upstate — including Rock Hill, Fort Mill and York, Chester and Lancaster Counties — obtain the approvals they need to move their projects forward. He has worked with clients on a variety of land use and zoning matters, as well as assisted businesses seeking economic development incentives from state and local government.

Many of Dan's clients are involved in the construction and real estate development industries.

Dan is active in the community as well. His volunteer work in York County reaches across a broad spectrum of organizations. He serves on the boards of the Rock Hill Economic Development Corporation, where he is chairman of the Entrepreneurship Committee, and NAMI Piedmont Tri-County.

### ADMISSIONS

- State of South Carolina
- State of Texas
- U.S. District Court for the District of South Carolina
- U.S. Court of Appeals for the Fourth Circuit

## EDUCATION

- Princeton University, AB, History, 1987
- University of South Carolina School of Law, JD, 1991

## ASSOCIATIONS

- South Carolina Bar
  - House of Delegates, 2007 – 2017
  - Judicial Qualifications Committee, 2009 – 2017
  - Pro Bono Committee, 16th Circuit Representative, 2017-present
  - Law Related Education Committee – Mock Trial Coach
    - Sullivan Middle School Mock Trial, Attorney Coach, 2012 – 2013
    - South Pointe High School Mock Trial Team, Attorney Coach, 2015
- South Carolina Board of Law Examiners, 2011 – 2016
- South Carolina Supreme Court, Attorney to Assist Office of
- Disciplinary Counsel, 2000 – present
- York County Bar Association, President, 2000 – 2001
- Carolina Community Actions, Inc., Board Member, 2012 – 2017
- South Carolina Real Estate Commission, Member, 1999 – 2004
- Common Cause of South Carolina, Board of Directors, 2006 – 2012
- United Way of York County, Board of Directors, 2011 – 2017
- NAMI Piedmont Tri-County, Board of Directors, 2016 – present
- Rock Hill Economic Development Corporation
  - Board of Directors
  - Chair, Entrepreneurship Committee
- Rock Hill Housing Authority, Board Member, 2018 – present
- Rock Hill Commission on Children and Youth, #1 Question Committee

- 2011 Pennies for Progress – Citizens for Better & Safer Roads, Chair
- Come See Me Festival, Inc., Board of Directors, 2010 – 2016
- York County Regional Chamber of Commerce Government Relations Task Force, Member, 2000 – present; Vice Chair, 2005
- Princeton University Alumni Schools Committee, 1995 – present
- Rock Hill/York County MLK Task Force, Chair, 2005 – 2008
- Children’s School at Sylvia Circle Montessori Charter School, Board President, 2004 – 2006
- South Pointe School Improvement Council, Chair 2018
- Keystone Substance Abuse Services of York County, Board of Directors, 2002 – 2009
- Pilgrim’s Inn, President, 1996 – 2001
- Liberty Fellowship Class of 2012

## HONORS & AWARDS

- SC Lawyer Weekly’s Go-To Lawyer in Business Law, 2021
- Martindale-Hubbell, AV® Preeminent™ Peer Review Rated since 2002
- ALM 2013 Top Rated Lawyer in Commercial Litigation and Land Use and Zoning
- Best Lawyers in America, Commercial Litigation, Litigation – Construction, and Litigation – Real Estate, 2024

## REPRESENTATIVE ENGAGEMENTS

**Disclaimer:** The following examples are intended only to be representative of Mr. Ballou’s practice. These examples are not intended to, and cannot be relied upon to predict the results in any other case.

### Civil Litigation

- Licensed to practice in state and federal court throughout South Carolina and has litigated, arbitrated and mediated a wide variety of business, commercial, real estate, administrative and construction disputes over 24 years of practice.
- Represented Fortune 500 retail chain in litigation involving defective site preparation and construction of detention ponds on industrial warehouse property.
- Represented entrepreneur in obtaining dismissal of federal digital hacking claims by former employer under the Computer Fraud and Abuse Act.
- Defended numerous actions arising from non-compete agreements, trade secret claims, wage claims and related claims against former executive employees.
- Represented a multimillion dollar estate in litigation regarding claims of constructive trust and resulting trust involving title to historic real

estate in downtown Charleston, South Carolina.

- Represented client seeking a permanent injunction against issuance of development permits in direct violation of recorded deed restriction.
- Defended declaratory judgment action filed by national homebuilder against real estate developer that also involved counterclaims for breach of contract and substantial actual and punitive damages.
- Local counsel in defense of negligence claims arising from catastrophic airplane crash in Columbia, South Carolina.
- Represented client in products liability claim against manufacturer of airplane components.
- Represented regional retailer in matter seeking enforcement of restrictive covenants limiting permitted uses of real property.
- Represented a client seeking a default judgment against foreign equipment manufacturer in excess of \$1 million involving claims under the South Carolina Unfair and Deceptive Trade Practices Act.
- Represented utility contractor in breach of contract action against quasi-governmental agency and general contractor.
- Co-counsel in catastrophic personal injury matter alleging defective design and construction of bicycle path and assisted in negotiation of substantial settlement.
- Represented client in rescission of real estate purchase against national homebuilder based upon claims of fraud and negligent misrepresentation by seller.
- Defended insurance coverage dispute involving damage to private aircraft.
- Negotiated settlement on behalf of employer in defense of Title VII employment claims.
- Represented local business against building contractor in defective construction claim.
- Represented client in claim for equitable indemnity filed by national insurance company against local insurance broker based on claims filed under North Carolina workers compensation law.
- Represented homebuilder against purchaser alleging breach of covenant of good faith and fair dealing and claims under SCUTPA.
- Domesticated numerous foreign judgments for collection in South Carolina.

### **Governmental Representation**

- Represented national real estate development company in amendment of existing local government development agreement.
- Assisted national retailer seeking sufficient wetlands mitigation credits and approvals from US Army Corps of Engineers and SCDHEC for development of York County distribution center and national distribution headquarters.
- Represented national retailer seeking to expand York County distribution facilities in identifying and acquiring industrial site in Rock Hill and negotiating real estate agreements with property owners, utility providers and local municipality.
- Negotiated agreements for supply of consistent and redundant electrical power service to Fortune 500 retailer's corporate data center.
- Assisted regional railroad in rezoning multiple commercial tracts for industrial development subject to new zoning regulations.
- Negotiated numerous commercial and individual owners of real property in negotiation and litigation of eminent domain claims by local government.

- Represented local trucking company in obtaining certification by SC Department of Transportation as a “disadvantaged business enterprise” (DBE).
- Represented individuals and businesses before local zoning boards of appeals, planning commissions and councils on a variety of land use matters, including rezoning matters, and applications for variance and special exception.
- Represented numerous individuals before SC Department of Labor, Licensing and Regulation on state professional licensing and disciplinary matters.
- South Carolina counsel for Fortune 100 company for alcoholic beverage licensing matters before SC Department of Revenue.

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**Morton & Gettys**

331 E Main St Suite 300  
Rock Hill, SC 29730

P 803.366.3388

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**Dec 01 2023**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM YORK COUNTY  
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Case No. 2023-CP-46-00067

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Ryan Powell and Karen Powell,..... Appellants,

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SB Municipal is the Custodian of LBSC-11, LLC;  
SB MUNI CUST % LBSC-11, LLC;  
LB PARK, LLC; Joshua Schragar; and Lambros Xethalis, ..... Respondents.

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**Appellants' Return to  
Respondents' Motion for an Extension of Time**

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By motion dated December 1, 2023, Respondent requested an extension of time in which to file their initial brief. However, their initial brief was due to be filed no later than November 29, 2023 since Appellant's initial brief was filed on October 30, 2023. See attached as Exhibit 1, the certificate of service for Appellants' initial brief.

Respondent's initial brief is late at this time and its motion for an extension of time to file it must be denied.

December 1, 2023

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

/s Karen Powell  
Karen Powell, Appellant  
c/o 287 East Hawfields  
Pittsboro, NC 27312

THE STATE OF SOUTH CAROLINA  
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**Oct 30 2023**

**SC Court of Appeals**

APPEAL FROM YORK COUNTY  
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LB PARK, LLC; Joshua Schrager; and Lambros Xethalis, ..... Respondents.

**Certificate of Service for Appellants' Initial Brief**

I certify that I served all Respondents, by and through their attorney of record with a copy of this CoS, Appellants' Initial Brief, and Appellants' Designation of Matter by First Class Mail with proper postage affixed on the below date addressed as follows:

Daniel Ballou  
P.O. Box 707,  
Rock Hill, SC 29731  
Attorney for Respondents

October 30, 2023  
Date

/s Karen Powell  
Karen Powell, Appellant  
c/o 287 East Hawfields  
Pittsboro, NC 27312

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
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William A. McKinnon, Chief Admin. Judge

Case No. 2023-CP-46-00067

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LB PARK, LLC; Joshua Schrager; and Lambros Xethalis, ..... Respondents.

Certificate of Service For Record on Appeal

I certify that I served No Respondents with a copy of the Record on Appeal because no Respondents filed an initial brief. According to Rule 210(a) SCACR no Respondent needs to be served a copy of the record on appeal if they fail to file a brief.

12/06/2023  
Date

/s Karen Powell  
Karen Powell, Appellant  
c/o 287 East Hawfields Dr.  
Pittsboro, NC 27312

**Dec 07 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas  
William A. McKinnon, Chief Admin. Judge

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SB MUNI CUST % LBSC-11, LLC;  
LB PARK, LLC; Joshua Schragar; and Lambros Xethalis, ..... Respondents.

**Certificate of Service for Appellants' Final Brief**

I certify that I served all Respondents, by and through their attorney of record with a copy of this CoS, Appellants' Final Brief, Appellants' Rule 211(b) certification, and this document by First Class Mail with proper postage affixed on the below date addressed as follows:

Daniel Ballou  
P.O. Box 707,  
Rock Hill, SC 29731  
Attorney for Respondents

December 7, 2023  
Date

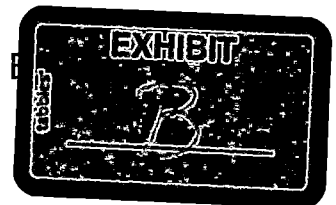
/s Karen Powell  
Karen Powell, Appellant  
c/o 287 East Hawfields  
Pittsboro, NC 27312

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[Download file \(Love2P\)](#)
[Combine PDF - Online](#)
[iLovePDF Online PDF](#)
[Miscellaneous Writing fan](#)

Respondent	LSSC II, LLC	N	David Joseph Babou
Respondent	SS MUNI CLERK N LSSC II, LLC	N	David Joseph Babou
Respondent	SS Municipal	N	David Joseph Babou
Respondent	SS Municipal Clerk	N	David Joseph Babou
Respondent	Joshua Schrage	N	David Joseph Babou
Respondent	Laura M. Marlow		David Joseph Babou

**View:**

Filed Date	Event Information	Doc
12/06/2023	Wf Decentral Office - Extension Granted	
12/07/2023	Correspondence - Incoming (Appellant's Final Brief)	
12/06/2023	Correspondence - Incoming (Appellant's Record on Appeal)	
12/04/2023	Correspondence - Incoming (Filing Fee for Motion - Extension of Time (1st) Respondent's Initial Brief)	
12/01/2023	Motion - Return	
12/01/2023	Motion - Extension of Time (1st) Respondent's Initial Brief	
10/20/2023	Denial of Motion - Denial of Motion - Matter Filed	
10/20/2023	Initial Brief - Appellant	
10/17/2023	Transcript Documents - Transcript Delivered - Direct Appeal	
10/17/2023	Correspondence - Outgoing (Transcript Overdue Letter)	
09/17/2023	Transcript Documents - Other Correspondence	
08/25/2023	Transcript Documents - Court Reporter Extension	
08/15/2023	Transcript Documents - Court Reporter Extension	
07/27/2023	Transcript Documents - Other Correspondence	
06/01/2023	Additional Transcript Documents - Transcript Ordered	
05/19/2023	Transcript Documents - Transcript Ordered	



# The South Carolina Court of Appeals

Ryan Powell and Karen Powell, Appellants,

v.

SB Municipal is the Custodian of LBSC-11; LLC, SB  
MUNI Cust % LBSC; LLC, LB Park, LLC; Joshua  
Schrager; and Lambros Xethalis, Respondents.

Appellate Case No. 2023-000775

The Honorable William A. McKinnon  
York County  
Trial Court Case No. 2023CP4600607

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## ORDER

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The Court received a motion for extension of time. Appellant filed a return objecting. The motion is Granted. The time for serving and filing the initial brief of respondent and designation of matter is hereby extended until January 3, 2024. We are returning the appellants' record on appeal and final brief without action as prematurely filed.

FOR THE COURT

  
\_\_\_\_\_ c.j.

Columbia, South Carolina

cc:

Ryan Powell

Karen Powell

Daniel Joseph Ballou, Esquire

**FILED**  
**Dec 08 2023**

# The South Carolina Court of Appeals

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.

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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Appellant has failed to serve a copy of the record on appeal as required by Rule 210 of the South Carolina Appellate Court Rules (SCACR) and this Court's letter dated July 25, 2023. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

A. P. Barnes C.J.

Columbia, South Carolina

cc:

Ryan Powell

A. Parker Barnes, III, Esquire

Sarah P. Spruill, Esquire

**FILED**  
**Aug 08 2023**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

C.A. No.: 2023-CP-46-00067  
Appellate Case No. 2023-00775

**RECEIVED**

DEC 27 2023

SC Court of Appeals

RYAN POWELL and KAREN POWELL ..... Appellants

v.

SB MUNICIPAL IS THE CUSTODIAN OF LBSC-11, LLC; SB MUNI  
CUST % LBSC, LLC; LB PARK, LLC, JOSHUA SCHRAGER AND  
LAMBROS XETHALIS .....Respondent.

**PROOF OF SERVICE**


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The undersigned certifies that he has served this Return to Expedited Motion to Certify Appeal by depositing a copy of it in the United States Mail, postage prepaid, on December 21, 2023, addressed to the Appellants at the below address:

Ryan Powell  
287 East Hawfields  
Pittsboro, NC 27312

Karen Powell  
287 East Hawfields  
Pittsboro, NC 27312

December 21, 2023

  
Daniel J. Ballou  
MORTON & GETTYS, LLC  
P.O. Box 707  
Rock Hill, SC 29731  
*Attorney for Respondents*

# MORTON & GETTYS

ATTORNEYS AT LAW

December 21, 2023

**RECEIVED**

DEC 27 2023

SC Court of Appeals

Via E-Mail: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org) and regular mail:  
ATTN: Clerk of Court Of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

**RE: Powell, et al. v. Xethalis, et al.**  
**Case number: 2023-CP-46-00607**  
**Morton & Gettys Matter Number: 1002832.0001**

Enclosed please find the original and two copies of Respondents' Return to Appellants' Expedited Motion to Certify Appeal Second Motion for Extension of Time. Please file the original and return the clocked copies to our office in the self-addressed envelope.

Please do not hesitate to contact me with any questions. I can be reached directly at 803-366-3388. With kind regards, I am

Very truly yours,

  
Daniel J. Ballou

DJB/  
Enclosures a/s  
cc(w/enclosures):

Patricia Howard  
Clerk of the Supreme Court of South Carolina  
1231 Gervais Street  
Columbia, SC 29201

Ryan Powell  
287 East Hawfields  
Pittsboro, NC 27312

Karen Powell  
287 East Hawfields  
Pittsboro, NC 27312

A LIMITED LIABILITY COMPANY

JAMES M. MORTON

JOHN P. GETTYS, JR.

MICHAEL B. SMITH † §

JOSHUA B. VANN

ELIZABETH SMITH OWEN

J. RICHARDS MCCRAE, III

MELISSA G. CASSELL § ♦

JOSEPH L. RAAD

DANIEL J. BALLOU ●

BEVERLY A. CARROLL §\* ‡

JOE'TERRIOUS K. NEAL §

ASHLEY N. WORRELL § ♦

R. HEATH MYERS §

C. TRENT WOMBLE § Δ

MARY C. STAMATO §

HENRY H. FAIR

All Attorneys Licensed in SC

Also Licensed in NC §

Also Licensed in GA ●

Also Licensed in FL Δ

Also Licensed in TX ●

Certified Civil Court Mediator \*

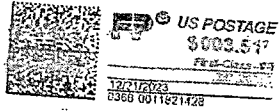
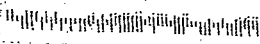
Certified Circuit Court Arbitrator †

Certified Family Court Mediator ‡

Certified Employment Law Specialist §

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**To:**  
ATTN: Clerk of Court Of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

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DEC 27 2023  
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