

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

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 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.

Appellate Case No. 2024-000212

Appeal From York County
Daniel Dewitt Hall, Circuit Court Judge

Memorandum Opinion No. 2024-MO-007
Submitted March 13, 2024 – Filed April 3, 2024

AFFIRMED

Ryan Powell, *pro se*.

Sarah P. Spruill, of Haynsworth Sinkler Boyd, PA, of Greenville, and A. Parker Barnes, III, of Haynsworth Sinkler Boyd, PA, of Columbia, both for Respondent LB Park, LLC. Brett Osborne, *pro se*.

PER CURIAM: Respondent LB PARK, LLC (LB Park) commenced this action in the circuit court in 2019 to quiet title to certain real property in York County. Appellant, who was a non-party, filed a special appearance motion to dismiss, claiming his wife held an unrecorded lien on the property and arguing the property was not subject to taxation. The circuit court denied the motion and ordered the case to be referred to the master-in-equity.

Appellant appealed the circuit court's orders denying his motion to dismiss and referring the case to the master-in-equity. LB Park moved to remand the case to the circuit court to allow it to file a motion to dismiss the underlying action without prejudice. The court of appeals granted the motion but noted the appeal would be held in abeyance. The circuit court issued a notice of dismissal without prejudice in 2020.

On the day the first action was dismissed by the circuit court without prejudice, LB Park filed a second action to quiet title, this time naming Appellant as a defendant. The second action culminated in a judgment by the circuit court confirming LB Park's fee simple title to the property. The court of appeals dismissed Appellant's appeal of the circuit court's judgment in the second action, and this Court denied Appellant's petition for a writ of certiorari. The court of appeals is no longer holding the appeal in the first action in abeyance.

LB Park has now moved for this Court to certify the appeal from the court of appeals in the first action. We grant the motion to certify Appellate Case No. 2019-000979, dispense with briefing, and affirm pursuant to Rule 220(b)(1), SCACR, the circuit court's orders denying Appellant's motion to dismiss and referring the case to the master-in-equity.

AFFIRMED.

BEATTY, C.J., KITTREDGE, FEW, JAMES and HILL, JJ., concur.