

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

**RECEIVED**  
JAN 31 2020  
SC Court of Appeals

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.

**Reply to Plaintiff's Return to Petition for Rehearing**

Appellant, Ryan Powell, ("Owner" hereinafter) files this Reply under Rule 240(f) SCACR to Plaintiff LB PARK's Return in Opposition to Owner's Motion to Rehear ("LB PARK's Return" hereinafter) which it filed on January 22, 2020.

LB PARK's Return does not address any of the four issues that Owner raised in his Petition to Rehear and therefore LB PARK has abandoned any defense it may have had to this Court granting Owner's Motion to Rehear.

The four issues that Owner raised in his Petition to Rehear that were not addressed or rebutted in LB PARK's Return are:

1) This Court cannot delegate its **exclusive jurisdiction** over this appeal to the lower court allowing the lower court to determine if this appeal will be dismissed. LB PARK makes a blanket statement in its Return that this Court has often issued remands (which is not true) but worst still LB PARK then fails to cite a single case that shows this Court has EVER remanded a case during an active appeal so as to allow a plaintiff to move the lower court to allow it to take a voluntary dismissal so that it can refile the exact same action. This maneuver is clearly being tried by LB PARK to avoid having to litigate this appeal which LB PARK knows it can never prevail in. Further, the very few cases this Court has ever issued a remand order were issued ONLY in cases where the record needed to be recreated, or embellished so that the appeal could be heard on the record;

2) Remand can NEVER happen because the lower court wants subject matter jurisdiction and territorial jurisdiction over the subject of this case, i.e., Owner's private property. This Court cannot ignore the lack of jurisdiction as shown in Owner's Petition to rehear. LB PARK failed to address or even mention this issue because it cannot address, deny, or rebut it or else LB PARK would have done so;

3) The Remand order violates Owner's rights to a speedy remedy and judicial review that are guaranteed to Owner by the State Constitution that all judges take an oath to uphold. A speedy remedy is needed by Owner to stop LB PARK's attempted theft of Owner's private property. LB PARK's Return only states that by remanding and allowing it to dismiss its action such will allow LB PARK to then bring a new action where (while being under no compunction to do so) it will name Owner as a party in its new action.

This case has already been going on for over a year and granting a remand on a case that is wholly without subject matter jurisdiction and territorial jurisdiction will make this case continue on for 2-10 more years. That is NOT a speedy remedy and will only further harm Owner and his family. Owner and his family can never seek compensation for all the harm that has already been done to them by YORK COUNTY employees and now by LB PARK since no Court of this State can EVER hear ANY case that involves Owner's private property; and

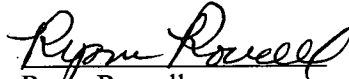
4) If this Court determines the Remand order was properly issued then it must amend the order to place a time limitation on LB PARK to file its motion to dismiss this action so that this appeal does not hang in abeyance forever. LB PARK failed to deny, oppose, or address any of the alternative relief that Owner requested so it must agree.

Finally, LB PARK's Return mostly addresses only straw-man arguments dealing with issues of the "merits" of its "case". However, neither its motion to remand nor Owner's Petition to rehear the granting of that remand has anything at all to do with the merits of the case. Further, since the lower court has no subject matter jurisdiction nor territorial jurisdiction, there is no case that ANY COURT can EVER hear or decide any "merits" of so the sooner that that issue is addressed the better for all parties involved.

#### **Conclusion**

WHEREFORE LB PARK has abandoned all defenses that it may have had to Owner's Petition for rehearing by failing to address them therefore Owner's Petition to Rehear must be granted so that LB PARK's Motion to Remand be denied.

Respectfully submitted 1/29/2020

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

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Certificate of Service

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I certify that I have served on all Respondents, Reply to Plaintiff's Return to Petition to Rehear by and through their attorney of record by First Class Mail with proper postage affixed on the date below shown addressed as follows:

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

January 29, 2020

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

January 29, 2012

Clerk of Court  
Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Appellate Case No. 2019-000979

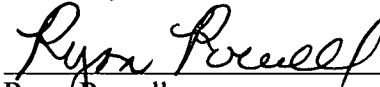
Dear Clerk,

*(on top)*

Enclosed for filing please find the following original documents and six copies of each:

- 1) Reply to Return for Petition to Rehear.
- 2) Certificate of Service for the above document.

Sincerely,



Ryan Powell  
c/o 25056 Timberlake Drive  
Fort Mill, South Carolina  
919-400-6339

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