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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.

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APR 20 2020

**Emergency Motion to Revive Appeal**

SC Court of Appeals

Appellant, Ryan Powell ("Owner" hereinafter), moves this Court under Rule 240 SCACR to revive Owner's appeal from being temporarily held in abeyance. This Court issued an order on October 15, 2019 ("Remand Order" hereinafter) remanding this case to the lower court for the "limited purpose of allowing LB PARK to file a motion to dismiss ... This appeal shall be held in abeyance pending the lower court's

**consideration of the motion**". A true and correct copy of the Remand Order is attached as **Exhibit A** and fully incorporated herein by reference.

Violating the Remand Order, and Owner's rights, LB PARK filed a Notice of Stipulated Dismissal into the lower court. This Court temporarily suspended this appeal to allow LB PARK to file a motion to dismiss but that can **never happen** now since this case has been dismissed in the lower court. Therefore, there is no longer a need to hold this appeal in abeyance awaiting an action that can never occur. Accordingly, this Court must revive/restore this appeal from its temporary suspension (abeyance) and return it to the active docket so that Owner's right to judicial review is upheld.


This appeal has been unnecessarily delayed for over six months now which has lead to Owner's Constitutionally protected right to a speedy remedy being violated. Owner has a right to a speedy remedy to STOP the illegal interference with, and unlawful taking (theft) of, Owner's Private Property. Therefore, in order to not further violate Owner's rights this Court must grant this motion as quickly as possible.

### **Conclusion**

WHEREFORE Owner demands this Court provide the following relief:

- 1) ~~Immediately~~ revive/resume/restore this appeal and return it to the active docket;
- 2) Give LB PARK three days to file its Initial Brief as that brief was due three days after the Remand Order was entered;
- 3) Any other relief this Court deems just and proper.

Respectfully submitted 4/16/2020

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

# The South Carolina Court of Appeals

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. 2019-000979

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## ORDER

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LB PARK, LLC's motion to remand this case for the limited purpose of allowing LB PARK to file a motion to dismiss the underlying action without prejudice pursuant to Rule 41(a), SCRCP, is granted. This appeal shall be held in abeyance pending the lower court's consideration of the motion. LB PARK shall provide this court with status updates every thirty days.!



FOR THE COURT

**FILED**

October 15, 2019

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In the Court of Appeals

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Daniel Hall, Circuit Court Judge

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Certificate of Service

I certify that I have served all Respondents a copy of Appellant's Emergency Motion to Revive Appeal by First Class Mail with proper postage affixed on the date below shown and addressed as follows:

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

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APR 20 2020

SC Court of Appeals

April 16, 2020

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

April 15, 2020

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

Re: Appellate Case No. 2019-000979

Dear Clerk,

Enclosed for filing please find the following Motion (original on top) and certificate of service and six copies of my Emergency Motion to Revive Appeal.

Please also find enclosed a money order for \$50.00 to cover the filing fee for the Motion.

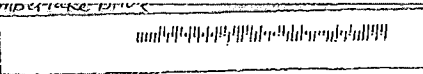
Sincerely,



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

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SC Court of Appeals

Fort Mill



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