

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM YORK COUNTY
Court of Common Pleas

MAY 14 2020

SC Court of Appeals

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.

Reply to Return to Emergency Motion to Revive Appeal

Appellant, Ryan Powell ("Owner" hereinafter) makes this Reply under Rule 240(e) SCACR. This Reply is being submitted late because Owner did not receive LB PARK's Return that was allegedly served on April 27 until May 4. LB PARK's Return may have been misdirected or misdelivered by the Post Office, or it may have been held up or not actually placed into the mail on the date stated in the certificate of service. The postage stamp on the envelope was produced by a "Pitney Bowes" machine and is not an official

Post Office stamp so it is impossible to tell when the envelope was actually presented to the Post Office.

LB PARK's Return consists of nothing but lies and requested violations of court procedure and court rules as demonstrated by the following:

1) Return para. 1, last sentence which states -> "*The current Motion is part of a pattern of conduct by Powell designed to prevent LB PARK from receiving a determination on the merits of its efforts to quiet tax title and to exhaust LB PARK's financial resources.*". There are three lies in that one sentence. The first lie is that LB PARK can quiet a tax title when LB PARK admits in its complaint that it has a quitclaim deed, not a tax title. How can LB PARK quiet something it does not have? The second lie is that Owner has prevented LB PARK from receiving a determination on the merits. LB PARK has not even attempted to prove that subject matter jurisdiction exists in this case and that must be proven before the merits of the case can ever be reached. The third lie is that Owner is making his motion to exhaust LB PARK's financial resources. It is LB PARK that decided to ignore this Court's remand order; had LB PARK acted in accordance to this Court's remand order, Owner would not have been forced to make his motion to revive this appeal.

2) Return para. 2, first sentence which states -> "*LB PARK has proceeded on remand in accordance with this Court's Order of October 15, 2019...*". That sentence contains one huge and boldfaced lie. This Court ordered remand of this appeal for the "limited purpose of allowing LB PARK to file a motion to dismiss". LB PARK did not like the relief this Court granted in its remand order so LB PARK just ignored the remand order and instead did what LB PARK wanted to do all along, that being to file a Notice of Stipulated Dismissal. In the last few status reports submitted by LB PARK pertaining to the status of its motion to dismiss LB PARK admits to having filed a stipulated dismissal instead. Clearly LB PARK did **NOT** proceed *in accordance with this Court's Order*.

3) Return para. 2, second sentence LB PARK requests this Court hold this appeal in abeyance pending a conclusion on the merits of LB PARK's newest frivolous case that it

recently filed. There are at least five problems with that request. First, a request for specific relief must be made in a motion not in a return to someone else's motion. Second, that request would modify the relief granted in this Court's October 15, 2019 remand order so LB PARK would have to make a motion to modify the October 15, 2019 remand order. Third, that request presumes that there are any merits to LB PARK's frivolous claims and that those merits can ever be reached by any court of this State. Fourth, what happens if Owner does not need to take an appeal in LB PARK's newest frivolous case? This appeal will be left hanging in abeyance forever leaving Owner's rights violated and damaging Owner!

4) Return para. 2, third sentence LB PARK requests (outside of a motion) that this Court use Rule 214 SCACR to consolidate this appeal with some future presumed appeal that LB PARK expects Owner will be required to make in its latest frivolous case. Not only is a possible future appeal a unsupported presumption but Rule 214 SCACR does not allow an appeal in one case to be held in abeyance for a possible appeal in a second case that may or may not terminate in a appeal sometime in the unknown future! Obviously this Court knows that Rule 214 SCACR is to be used to consolidate presently pending appeals involving different parties so that a question common in those appeals can be answered with one order or one opinion. Curiously, LB PARK is contemplating that Owner will be taking an appeal in its newest frivolous case, while at the same time LB PARK is castigating Owner for wanting to finally settle this matter as soon as possible by allowing this appeal to continue forward. Something doesn't add up.

Owner demands that his rights to a speedy judicial review be upheld by releasing/ restoring/ reviving this appeal so that Owner can stop LB PARK from its illegal and unlawful theft of Owner's private property without any more unnecessary delays.

Respectfully submitted 5-7-20

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

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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

May 7, 2020

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

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MAY 14 2020
SC Court of Appeals

May 7, 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 my Reply (original on top), certificate of service and six copies of the Reply.

Sincerely,



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

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Fort Mill, South Carolina

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