

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, Defendants.

Appellate Case No. 2020-001228

ORDER

This appeal arises out of an order of the circuit court granting Respondent's motion for an order of reference to the master-in-equity and denying Appellant's motion to dismiss. Because the underlying orders are not immediately appealable, we dismiss this appeal. *See Williford v. Downs*, 265 S.C. 319, 321, 218 S.E.2d 242, 243 (1975) ("Ordinarily the granting or refusal of an order of reference is not appealable unless the granting of the reference deprives a party of a mode of trial to which he is entitled by law, or the trial judge in refusing a reference did so upon the erroneous belief that the cause of action was a legal one."); *id.* ("In equity the parties are not entitled, as a matter of right, to a trial by jury."); *Millvale Plantation, LLC v. Carrison Family Ltd. P'ship*, 401 S.C. 166, 173, 736 S.E.2d

286, 289 (Ct. App. 2012) ("An action to quiet title to property is an action in equity."); *McLendon v. S.C. Dep't of Highways & Pub. Transp.*, 313 S.C. 525, 526, 443 S.E.2d 539, 540 (1994) ("The denial of . . . a motion [to dismiss] is not immediately appealable under section 14-3-330 of the South Carolina Code (2017)."). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

 CJ
FOR THE COURT

Columbia, South Carolina

cc:
Ryan Powell
A. Parker Barnes, III, Esquire

FILED
Sep 15 2020