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**EXHIBIT D**

**RECEIVED**

**Mar 15 2022**

S.C. SUPREME COURT

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

**RECEIVED**

AUG 13 2019

**SC Court of Appeals**

Ex Parte, Ryan Powell ..... Appellant,

In re LB PARK, LLC ..... Respondent,

v.

San Juan Holdings, Brett Osborne trustee, et al. .... Respondents.

**MOTION FOR REMAND**

Pursuant to Rule 240, SCACR, LB PARK, LLC (“LB PARK”) hereby moves that this appeal be remanded to the lower court in order for LB PARK to dismiss the underlying action without prejudice pursuant to Rule 41(a), SCRCR. If the motion for remand is granted, LB PARK will dismiss the underlying action and refile a new action to include Ryan Powell as a named defendant. LB PARK is attaching its proposed stipulation of dismissal for the Court’s review, together with a draft of a new complaint.<sup>1</sup>

As will be discussed below, this proposed procedure will allow Mr. Powell to present all of his defenses for adjudication by the trial court while preserving the procedure put in place by

<sup>1</sup> Attached as Exhibits A and B, respectively. LB PARK acknowledges that the proposed action on remand would render this appeal moot.

the General Assembly for the speedy resolution of title following tax sales. LB PARK asks that all deadlines in this matter, including any deadlines applicable to Mr. Powell, be stayed pending the resolution of this motion.

## BACKGROUND<sup>2</sup>

On January 25, 2019, LB PARK filed this action pursuant to S.C. Code Ann. §§ 12-61-10 to -60 for the purpose of clearing title to real property known as 25056 Timberlake Drive, York County, South Carolina, tax map number 643-10-01-023. No defendant has appeared in this action. (Trial Court docket attached as Exhibit C).

On April 8, 2019, Appellant Ryan Powell (“Powell”), a non-party to this action, filed a motion to dismiss or intervene. On May 1, 2019, LB PARK filed a motion for an order of reference. Both motions were heard on May 30, 2019. The Circuit Court denied the motion to dismiss and granted the motion for order of reference in separate orders filed May 31, 2019. The Court’s full ruling with respect to Powell’s motion is “[a]fter consideration, the Court denies the Motion to Dismiss that was filed on April 8, 2019, it is so ordered.” There is no mention of the request to intervene. These are the orders referenced in Powell’s Notice of Appeal.

LB PARK moved to dismiss the appeal on the grounds that neither order was immediately appealable. Mr. Powell responded to the motion and argued that the appeal should not be dismissed unless and until he was made a party to this action. (*Powell Return* at 7 (“Relief requested: The named defendants must be dropped and Appellant must be added as a party and this appeal **THEN and ONLY THEN** can be dismissed and the case remanded back to the trial court under the just terms decided by this Court.”)). The Court denied the motion on the basis that

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<sup>2</sup> For the most part, this Background was presented to the Court in LB PARK’s motion to dismiss. LB PARK has not reattached those exhibits here.

“an order refusing a petition to be made a party to an action is immediately [appealable.]” LB PARK now proposes a procedure that will result in Mr. Powell being named as a defendant in a new action.

### REQUEST FOR REMAND

As noted by former Chief Justice Jean H. Toal, “[b]ecause motions are used in the appellate courts to seek specific relief, there is no limit to the type of motion that could be filed in the appellate courts.” Jean H. Toal *et al.*, *Appellate Practice in South Carolina* 379 (3d ed. 2016). LB PARK has filed this motion seeking remand for the purpose of dismissing this action without prejudice such that it can bring a new action naming Mr. Powell in addition to the previously named defendants. Once a new action has been filed and served, Mr. Powell will be able to file an answer and assert any defenses he may have.

As set forth by the General Assembly, the provisions relating to actions to clear tax titles shall be liberally construed *to the end that it shall afford a complete remedy to any plaintiff* claiming property by forfeiture unto him for nonpayment of taxes or by acquisition at or through a tax sale, *so that he can under this chapter obtain a final and complete adjudication of the nature and extent of the title thereto* and, in any event, procure a valid sale of the property from the proceeds of which the unpaid taxes shall be paid.

S.C. Code Ann. § 12-61-60 (emphasis added). LB PARK is simply seeking to obtain this promised “complete remedy.” Allowing this appeal to proceed on the issue of intervention when LB PARK has agreed to refile and include Mr. Powell would deny LB PARK of the benefits of this statute by preventing it from obtaining a “final and complete adjudication.” Further, the proposed appeal will not prejudice Mr. Powell as he will be named as a defendant once this case is dismissed and a new action is filed.

**CONCLUSION**

The General Assembly has provided a streamlined procedure for parties who have acquired properties at tax sales to clear title to those properties. As the old adage goes, “time is money.” Mr. Powell should not be allowed to prolong this process through this appeal where LB PARK has suggested an alternative that would provide Mr. Powell a full opportunity to participate before the trial court. For that reason, LB PARK asks that this matter be remanded for the purpose of filing the attached Stipulation of Dismissal and the attached Complaint initiating a new action and naming Mr. Powell.

Respectfully submitted,

HAYNSWORTH-SINKLER BOYD, P.A.

  
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**RECEIVED**  
AUG 13 2019  
SC Court of Appeals

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Attorneys for Respondent  
LB PARK, LLC

August 13, 2019

**EXHIBIT A**

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

Case No. 2019-CP-46-00310

LB PARK, LLC,

Plaintiff,

vs.

**STIPULATION OF DISMISSAL**

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 643-10-01-023, 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.

**NOTICE OF DISMISSAL WITHOUT PREJUDICE**

Pursuant to Rule 41(a) of the South Carolina Rules of Civil Procedure, Plaintiff LB Park, LLC hereby provides notice that the above captioned action is dismissed without prejudice.

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\_\_\_\_\_, 2019

Attorneys for Plaintiff

**EXHIBIT B**

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS  
Case No. 2019-CP-\_\_\_\_\_

LB PARK, LLC,

Plaintiff,

vs.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; Ryan Powell; 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 643-10-01-023, 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.

**COMPLAINT  
(Non-Jury)**

Plaintiff LB PARK, LLC (“Plaintiff”), complaining of the defendants herein, would respectfully allege and show unto this Court as follows:

1. Pursuant to S.C. Code Ann. §§ 12-61-10 to -60, Plaintiff asserts its Complaint against the defendants for the purpose of clearing title to real property known as 25056 Timberlake Drive, York County, South Carolina, tax map number 643-10-01-023 (the “Property”), which is herein below more specifically described and identified. Plaintiff’s title to the Property derives from a tax deed resulting from a tax sale conducted by York County pursuant to statute and a subsequent quitclaim deed from the tax sale purchaser.

## **The Property**

2. The Property conveyed by the tax deed is more particularly described as follows:

All that certain piece or lot of land situated, lying or being in the County of York, State of South Carolina, being known and designated as Lot 56 of Tega Cay Section 25 as shown on plat recorded in the Office of the Clerk of Court for York County in Plat Book 85 at Page 129, and on plat recorded in Plat Book 73 at Pages 23-26, and being more recently shown and more particularly described in Plat Book 131 at Page 306, reference to which is hereby made for a more complete description.

Derivation: This being property conveyed to San Juan Holdings, Brett Osborne, the trustee, by Deed from Paramount Properties, Mark Muccl, the trustee, dated June 1, 2000 (probate says June 15, 2000), recorded June 27, 2000 in Book 3173, Page 343, Office of the Clerk of Court for York County, SC; being the same property conveyed to SB MUNI CUST % LBSC-11 LLC by Tax Title dated and recorded on December 26, 2018, in the Office of the Register of Deeds for York County in Deed Book 17337 at Page 73; and being the same property conveyed to LB Park, LLC by quitclaim deed dated January 7, 2019, and recorded in the York County Register of Deeds Office on January 10, 2019, in Book 17361, page 145.

TMS# 643-10-01-023.

## **Parties**

3. Defendant San Juan Holdings, Brett Osborne, the trustee (“San Juan”) obtained title to the Property by deed dated June 1, 2000, and recorded on June 27, 2000, in the York County Register of Deeds Office (the “ROD”) in Book 3173, page 343.

4. By virtue of the foregoing deed, Plaintiff is informed and believes that San Juan owned 100% of fee simple title to the Property prior to the tax sale. Accordingly, Plaintiff has named San Juan as a party to extinguish and eliminate any and all interests that San Juan has or may claim to have in, to, or upon the Property.

5. Plaintiff named Defendant Brett Osborne as Trustee of San Juan Holdings (“Osborne”) as a party due to the Notice of Sale, Transfer or Exchange dated December 20, 2012, and recorded on December 26, 2012, in the ROD in Book 13103, page 241 (the “Osborne Notice”).

6. Plaintiff is informed and believes that the Osborne Notice did not convey title or any other interest in the Property and that, after the Osborne Notice was recorded, title to the Property

remained vested in San Juan. However, Plaintiff has named Osborne as a party to extinguish and eliminate the Osborne Notice as a cloud, impediment, or encumbrance upon the title to the Property.

7. Plaintiff is informed and believes that Defendant Ryan Powell has claimed to possess an unrecorded ownership interest in the Property. While Plaintiff denies that Defendant Ryan Powell has any interest in the Property, Plaintiff has named Defendant Ryan Powell as a party to provide him with notice of this proceeding and the opportunity to protect any interest he claims to have in the Property.

8. Defendants John Doe and Defendant Mary Roe and the other unknown defendants (collectively the “Unknown Defendants”) represent and include all unknown persons or entities having or claiming any right, title, or interest in or to, or lien upon, the Property.

9. The parties hereto, and the subject matter hereof, are within the jurisdiction of this Court.

**FIRST CAUSE OF ACTION  
(Action to Quiet Tax Title)**

10. Plaintiff re-alleges and incorporates herein by reference all of the above allegations.

11. SB MUNI CUST % LBSC-11 LLC (“SB MUNI”) purchased the Property at the York County tax sale held on November 6, 2017, with a bid of \$171,000.00. York County conveyed tax title to SB MUNI by tax deed dated and recorded on December 26, 2018, in the ROD in Book 17337, page 73 (the “Tax Deed”).

12. SB MUNI subsequently conveyed the Property to Plaintiff by quitclaim deed dated January 7, 2019, and recorded in the ROD on January 10, 2019, in Book 17361, page 145.

13. This Complaint is made for the purpose of clearing title to the Property against any and all claims, if any, as have been or may be raised by any of the defendants adverse to the title and

ownership interests of Plaintiff acquired by the referenced tax sale proceedings, Tax Deed, and quitclaim deed.

14. In support of the status of Plaintiff's title and in support of this action to clear title by determination of Plaintiff's interests superior to other interests, specifically including any and all interests of the defendants, Plaintiff alleges as follows:

a. On or about November 6, 2017, the Property was sold to SB MUNI at a tax sale conducted by the taxing authorities for York County for unpaid ad valorem taxes.

b. Upon information and belief, the tax sale conducted by the taxing authorities for York County was prosecuted pursuant to the controlling tax sale statutes, S.C. Code Ann. §§ 12-51-40 to -170, including all requisite notices to the owner of record and any other parties in interest to the Property.

c. SB MUNI was the successful purchaser of the Property at the referenced tax sale, and the tax sale bid was paid in full pursuant to the notice of tax sale and was otherwise in accordance with the statutory proceedings.

d. None of the defendants or any other person or entity took any action in response to the notices or otherwise to redeem the Property, and the Property was conveyed by York County to SB MUNI through the Tax Deed.

e. SB MUNI subsequently conveyed the Property to Plaintiff by quitclaim deed dated January 7, 2019, and recorded in the ROD on January 10, 2019, in Book 17361, page 145.

15. Plaintiff is informed and believes that by reason of the Tax Deed conveyed to SB MUNI by York County in strict compliance with the controlling tax sale statutes and the subsequent quitclaim deed to Plaintiff, Plaintiff is the owner of marketable fee simple title to the Property without regard to any outstanding or adverse claims of interest of any of the defendants, and that Plaintiff is

entitled to an order of this Court declaring and confirming that its title is free and clear of such adverse lien interests and encumbrances or other claims to the Property, if any, as are or may be claimed or asserted by any of the defendants.

16. Plaintiff is further informed and believes that upon the Court's issuance of its order declaring and confirming that Plaintiff's title is free and clear of such adverse interests and encumbrances or other claims to the Property, if any, as are or may be claimed or asserted by any of the defendants, Plaintiff is entitled to immediate possession of the Property, and that any tenants or parties in possession of the Property, must be evicted from and vacate the Property within a reasonable time to be determined by this Court.

**FIRST ALTERNATIVE CAUSE OF ACTION  
(Action to Recover Amounts Due)**

17. Plaintiff re-alleges and incorporates herein by reference all prior paragraphs of its Complaint.

18. Only in the event that the tax sale of the Property is set aside or declared void, Plaintiff seeks to recover the amounts that the controlling authority requires be refunded and tendered to the Plaintiff, which includes a refund of the tax sale bid, a refund of all Property taxes paid, a refund of all costs justly chargeable against the Property, and interest at the statutory rate of 12% on the tax sale bid from the date of the tax sale until paid, as provided in S.C. Code Ann. §§ 12-51-90, -100, together with pre-judgment interest.

19. South Carolina law provides that, when a tax sale is set aside through litigation, the courts must treat it as the ultimate redemption and that the provisions of S.C. Code Ann. § 12-51-100 apply.

20. Pursuant to S.C. Code Ann. § 12-51-100, Plaintiff is statutorily entitled to a refund of the tax sale bid and the interest required by S.C. Code Ann. § 12-51-90. As the redemption period

expired on November 6, 2018, Plaintiff is entitled to interest on the tax sale bid at the statutory rate of 12% from the date of tax sale as provided in S.C. Code Ann. § 12-51-90.

21. Plaintiff is also entitled to a refund of all property taxes that it has paid and all costs that they have paid that are justly chargeable against the Property.

22. As the amount of the tax sale bid, paid property taxes, costs justly chargeable against the Property, and legal interest are sums that are certain or are capable of being reduced to certainty, Plaintiff is further entitled to receive and seeks to recover pre-judgment interest.

23. Therefore, if the Court sets aside the tax sale of the Property, Plaintiff seeks judgment against the party challenging the tax sale of the Property for the amount of the tax sale bid, paid property taxes, costs justly chargeable against the Property, and legal interest at the rate of 12% on the tax sale bid from the date of the tax sale until paid, together with pre-judgment interest.

**SECOND CAUSE OF ACTION  
(Reformation of Tax Deed)**

24. Plaintiff reincorporates and re-alleges each of the foregoing allegations as fully as if repeated herein verbatim.

25. In relevant part, the legal description in the Tax Deed refers to a “. . . plat recorded in the Office of the Clerk of Court for York County in Plat Book 85 at Page 129, and on Plat Book 73 at Pages 22-26 . . . ” (the “Plat”). (Emphasis added.)

26. According to the applicable records for the Property maintained in the ROD, the Plat was actually recorded in the ROD in Plat Book 73 at Pages 23-26, not Pages 22-26. (Emphasis added.) A copy of the Plat is attached as Exhibit A.

27. Throughout the chain of title for the Property, the Plat is incorrectly referenced as being recorded in Plat Book 73 at Pages 22-26.

28. Therefore, Plaintiff seeks an Order of the Court reforming the Tax Deed, the quitclaim deed to Plaintiff, and all previous deeds in the chain of title to reflect the correct recording information for the Plat, which was actually recorded in Plat Book 73 at Pages 23-26.

WHEREFORE, for the reasons set forth above, Plaintiff prays for the following relief:

1. With respect to Plaintiff's First Cause of Action, Plaintiff prays that judgment be entered in its favor against the defendants with a finding by the Court that any right, title, claim, interest, or lien in or to the Property arising from the interests of any of the defendants in the Property that they now claim or may claim in the future, be found to be junior or subsequent to Plaintiff's title, and that Plaintiff be provided a final and complete adjudication of the nature and extent of its title to the Property so that it may own, possess, and transfer clear title to the Property; and that judgment be entered in Plaintiff's favor against the defendants and any other tenants or parties in possession of the Property with a finding by the Court that Plaintiff is entitled to immediate possession of the Property and ordering the York County Sheriff to evict and remove any tenants or parties in possession of the Property from the Property within a reasonable time as determined by the Court.

2. With respect to Plaintiff's First Alternative Cause of Action, and only in the event that the tax sale of the Property is set aside or declared void, Plaintiff prays that judgment be entered in its favor against the party challenging the tax sale with a finding by the Court that Plaintiff is entitled to a refund of the tax sale bid, all Property taxes paid, all costs justly chargeable against the Property, and legal interest on the tax sale bid at the rate of 12% from the date of the tax sale on November 6, 2017, until paid, as provided in S.C. Code Ann. §§ 12-51-90, -100, together with pre-judgment interest, and that the Court order the party challenging the tax sale of the Property to refund these amounts to Plaintiff.

3. With respect to Plaintiff's Second Cause of Action, Plaintiff prays that judgment be entered declaring and reforming the Tax Deed, the quitclaim deed to Plaintiff, and all previous deeds in the chain of title to reflect the correct recording information for the Plat, which is Plat Book 73 at Pages 23-26.

4. Plaintiff also prays that the Court award it such other and further relief as the Court may deem just and proper.

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August \_\_\_\_, 2019

Attorneys for Plaintiff

**EXHIBIT C**



# York County Sixteenth Judicial Circuit Public Index



York County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

|  |               |                          |                          |                           |            |
|--|---------------|--------------------------|--------------------------|---------------------------|------------|
| <b>Switch View</b>   |               |                          |                          |                           |            |
| <b>LB Park LLC VS San Juan Holdings , defendant, et al</b> |               |                          |                          |                           |            |
| <b>Case Number:</b>  | 2019CP4600310 | <b>Court Agency:</b>     | York County Common Pleas | <b>Filed Date:</b>        | 01/25/2019 |
| <b>Case Type:</b>  | Common Pleas  | <b>Case Sub Type:</b>    | Real Prop/Other 499      | <b>File Type:</b>         | Non-Jury   |
| <b>Status:</b>   | Appeal        | <b>Assigned Judge:</b>   | Weaver, Teasa Kay        |                           |            |
| <b>Disposition:</b>  |               | <b>Disposition Date:</b> |                          | <b>Disposition Judge:</b> |            |
| <b>Original Source Doc:</b>                                |               | <b>Original Case #:</b>  |                          |                           |            |
| <b>Judgment Number:</b>                                    |               | <b>Court Roster:</b>     |                          |                           |            |

| Case Parties          | Judgments  | Tax Map Information | Associated Cases | Actions          | Financials       |           |
|-----------------------|--|---------------------|------------------|------------------|------------------|-----------|
| Name                  | Description  | Type                | Motion Roster    | Begin Date       | Completion Date  | Documents |
| LB Park LLC           | ADR/Alternative Dispute Resolution (Workflow)                | Action              |                  | 08/23/2019-16:45 |                  |           |
| Powell, Ryan          | Appeal/Notice of Appeal to Court of Appeals & Cert Serv      | Filing              |                  | 06/11/2019-11:11 |                  |           |
| Doe, John             | NEF(05-31-2019 02:28:14 PM) Order/Electronic Form 4          | Filing              |                  | 05/31/2019-14:28 |                  |           |
| Doe, John             | Order/Electronic Form 4 Denying Motion to Dismiss            | Order               |                  | 05/31/2019-14:28 |                  |           |
| LB Park LLC           | NEF(05-31-2019 02:26:01 PM) Order/Electronic Form 4          | Filing              |                  | 05/31/2019-14:26 |                  |           |
| LB Park LLC           | Order/Electronic Form 4 to Refer to MIE                      | Order               |                  | 05/31/2019-14:26 |                  |           |
| LB Park LLC           | Order/Referred to Master or Special Referee                  | Order               |                  | 05/31/2019-14:26 |                  |           |
| Powell, Ryan          | Opp to Mot for Order of Ref/Memo In Support of Mot to Dis/CS | Filing              |                  | 05/13/2019-11:30 |                  |           |
| Powell, Karen Marie   | Opposition to Motion for Order of Reference/Service          | Filing              |                  | 05/13/2019-11:30 |                  |           |
| LB Park LLC           | NEF(05-07-2019 01:37:14 PM) Notice/Notice of Hearing and...  | Filing              |                  | 05/07/2019-13:51 |                  |           |
| LB Park LLC           | Notice/Notice of Hearing and Service                         | Filing              |                  | 05/07/2019-13:37 |                  |           |
| LB Park LLC           | Service/Certificate Of Service                               | Filing              |                  | 05/07/2019-13:37 |                  |           |
| Barnes, A. Parker III | 5/30/2019_NOJURY_Roster/Notice of Motions Roster Publication | Action              |                  | 05/06/2019-11:32 |                  |           |
| Rawl, Andrew Marshall | 5/30/2019_NOJURY_Roster/Notice of Motions Roster Publication | Action              |                  | 05/06/2019-11:32 |                  |           |
| Osborne, Brett        | 5/30/2019_NOJURY_Roster/Notice of Motions Roster Publication | Action              |                  | 05/06/2019-11:32 |                  |           |
| LB Park LLC           | NEF(05-01-2019 10:39:52 AM) Motion/Refer to Master or Sp...  | Filing              |                  | 05/01/2019-10:50 |                  |           |
| LB Park LLC           | Motion/Refer to Master or Special Referee                    | Motion              |                  | 05/01/2019-10:39 | 05/31/2019-10:39 |           |
| LB Park LLC           | Service/Certificate Of Service                               | Filing              |                  | 05/01/2019-10:39 |                  |           |
| Powell, Ryan          | NEF(04-30-2019 12:13:34 PM) Notice/Notice of Hearing         | Filing              |                  | 04/30/2019-12:13 |                  |           |
| Powell, Ryan          | Notice/Notice of Hearing                                     | Filing              |                  | 04/30/2019-12:13 |                  |           |
| Osborne, Brett        | NEF(04-30-2019 12:13:17 PM) Notice/Notice of Hearing         | Filing              |                  | 04/30/2019-12:13 |                  |           |
| Osborne, Brett        | Notice/Notice of Hearing                                     | Filing              |                  | 04/30/2019-12:13 |                  |           |
| Powell, Karen Marie   | NEF(04-30-2019 12:12:06 PM) Notice/Notice of Hearing         | Filing              |                  | 04/30/2019-12:12 |                  |           |
| Powell, Karen Marie   | Notice/Notice of Hearing                                     | Filing              |                  | 04/30/2019-12:12 |                  |           |
| Rawl, Andrew Marshall | 5/30/2019_NOJURY_Roster/Notice of Motions Roster Publication | Action              |                  | 04/30/2019-11:24 |                  |           |
| Osborne, Brett        | 5/30/2019_NOJURY_Roster/Notice of Motions Roster Publication | Action              |                  | 04/30/2019-11:24 |                  |           |
| Barnes, A. Parker III | 5/30/2019_NOJURY_Roster/Notice of Motions Roster Publication | Action              |                  | 04/30/2019-11:24 |                  |           |
| Doe, John             | Special Appearance Motion To Dismiss Or Intervene            | Motion              |                  | 04/08/2019-11:36 | 05/30/2019-13:43 |           |
| Doe, John             | Notice Of Hearing Of Mot To Dism Or Intervene                | Filing              |                  | 04/08/2019-11:36 |                  |           |
| Doe, John             | Proof Of Service   | Filing              |                  | 04/08/2019-11:36 |                  |           |
| Powell, Karen Marie   | NEF(04-03-2019 01:53:33 PM) Order/Electronic Form 4          | Filing              |                  | 04/03/2019-13:53 |                  |           |
| Powell, Karen Marie   | Order/Electronic Form 4 Denying Motion to Dismiss            | Order               |                  | 04/03/2019-13:53 |                  |           |
| Powell, Karen Marie   | Memo In Support of Special Appearance Motion to Dismiss/Serv | Filing              |                  | 03/19/2019-11:26 |                  |           |
| LB Park LLC           | NEF(03-12-2019 10:50:51 AM) Service/Certificate Of Servi...  | Filing              |                  | 03/12/2019-10:53 |                  |           |
| LB Park LLC           | Service/Certificate Of Service                               | Filing              |                  | 03/12/2019-10:50 |                  |           |
| Powell, Karen Marie   | NEF(03-11-2019 12:36:39 PM) Notice/Notice of Hearing         | Filing              |                  | 03/11/2019-12:36 |                  |           |
| Powell, Karen Marie   | Notice of Hearing From Clerk's Office to Pro-Se Litigant     | Filing              |                  | 03/11/2019-12:36 |                  |           |
| Osborne, Brett        | NEF(03-11-2019 12:36:13 PM) Notice/Notice of Hearing         | Filing              |                  | 03/11/2019-12:36 |                  |           |
| Osborne, Brett        | Notice of Hearing From Clerk's Office to Pro-Se Litigant     | Filing              |                  | 03/11/2019-12:36 |                  |           |
| LB Park LLC           | NEF(03-11-2019 12:23:53 PM) Notice/Notice of Appearance      | Filing              |                  | 03/11/2019-12:24 |                  |           |
| LB Park LLC           | Notice/Notice of Appearance                                  | Filing              |                  | 03/11/2019-12:23 |                  |           |
| Osborne, Brett        | 4/1/2019_NOJURY_Roster/Notice of Motions Roster Publication  | Action              |                  | 03/11/2019-12:23 |                  |           |
| Barnes, A. Parker III | 4/1/2019_NOJURY_Roster/Notice of Motions Roster Publication  | Action              |                  | 03/11/2019-12:23 |                  |           |
| Rawl, Andrew Marshall | 4/1/2019_NOJURY_Roster/Notice of Motions Roster Publication  | Action              |                  | 03/11/2019-12:23 |                  |           |
| Powell, Karen Marie   | Notice Of Hearing For Motion To Dismiss                      | Filing              |                  | 03/11/2019-12:12 |                  |           |
| Powell, Karen Marie   | Proof Of Service   | Filing              |                  | 03/11/2019-12:12 |                  |           |
| Powell, Karen Marie   | Special Appearance Motion To Dismiss                         | Motion              |                  | 03/11/2019-12:11 | 04/01/2019-12:10 |           |
| Osborne, Brett        | Answer/Letter/Response                                       | Filing              |                  | 03/01/2019-11:50 |                  |           |
| LB Park LLC           | NEF(02-25-2019 01:58:36 PM) Service/Affidavit Of Service     | Filing              |                  | 02/25/2019-14:02 |                  |           |
| LB Park LLC           | Service/Affidavit Of Service on San Juan Holdings            | Filing              |                  | 02/25/2019-13:58 |                  |           |

|             |   |        |                  |  |
|-------------|---|--------|------------------|--|
| LB Park LLC | Service/Affidavit Of Service on Brett Osborne | Filing | 02/25/2019-13:58 |  |
| LB Park LLC | Summons & Complaint                           | Filing | 01/25/2019-16:45 |  |
| LB Park LLC | Lis Pendens Filed                             | Filing | 01/25/2019-16:45 |  |

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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

**RECEIVED**

AUG 13 2019

**SC Court of Appeals**

Ex Parte, Ryan Powell .....Appellant,

In re LB PARK, LLC.....Respondent,

v.

San Juan Holdings, Brett Osborne trustee, et al. .... Respondents.

**PROOF OF SERVICE**

I certify that I have served Respondent LB PARK, LLC's *Motion to Remand* on all attorneys of record by depositing a copy of the same in the United States Mail, postage prepaid, on August 13, 2019, addressed to

Brett Osborne  
San Juan Holdings, Brett Osborne, the trustee  
Brett Osborne as Trustee of San Juan Holdings  
190 Aviation Lane  
Gold Hill, NC 28071

Ryan Powell  
c/o 25056 Timberlake Drive  
Fort Mill, SC 29708



Janice Barry, Legal Secretary  
HAYNSWORTH SINKLER BOYD, P.A.  
864.240.3223

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August 13, 2019

**VIA HAND DELIVER**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Ex Parte, Ryan Powell, In re LB PARK, LLC v. San Juan Holdings, Brett Osborne trustee,  
et al.; C.A. No.: 2019-CP-46-00310  
Appellate Case No.: 2019-000979

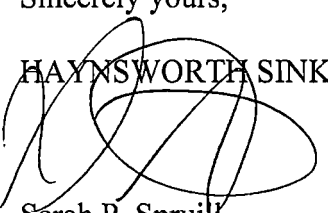
Dear Ms. Kitchings:

Our firm represents Respondent LB PARK, LLC, in the above-referenced matter. Enclosed herewith for filing is an original and seven (7) copies each of the Motion to Remand regarding the above-referenced case together with a Proof of Service. Also enclosed is our firm's check in the amount of \$50.00 to cover the cost of the filing fee. Please file the originals and return a clocked copy to me via our courier.

Thank you for your assistance.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.

  
Sarah P. Spruill

SPS/jmb  
Enclosures

cc: Ryan Powell  
Brett Osborne  
A. Parker Barnes, III (via email only)  
Andrew M. Rawl (via email only)

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