

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Appeal from Horry County
Cynthia Graham Howe, Master-in-Equity
Ralph P. Stroman, Special Referee
C/A No:2011CP-26-01809

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AUG 18 2022
SC Court of Appeals

Leticia, LLC, Movant,

In Re:

M&T Bank, Plaintiff,

v.

**Tyrone Davis; Bobby J. Bellamy; BC Fund and
Management LLC d/b/a BC Fund, LLC, Defendants.**

And

M&T Bank, Respondent,

v.

**Tyrone Davis, Bobby J. Bellamy, BC Fund and
Management, LLC d/b/a BC Fund, LLC, Defendants,**

Of whom Bobby J. Bellamy is the Appellant,

And

Tyrone Davis is the Respondent.

And

Bobby J. Bellamy, Appellant,

v.

William O. Smith, Third Party Defendant.

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HORRY COUNTY
2022 AUG 15 A 10:05
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

NOTICE OF APPEAL IN A MASTER-IN-EQUITY CASE

NOTICE OF APPEAL IN A MASTER-IN-EQUITY CASE

August 3, 2022, Pursuant to Rule 203(b)(1), SCACR, the SC Court of Appeals sent Remitter and a copy of Judgement to Horry County Clerk of Court on case No: 2011CP2601809. This foreclosure and conspiracy actions were transferred by Circuit Court to the Master-in-Equity. The defendant was unable to post a bond on motion for stay of sale of the above referenced action on **May 25, 2018**. The defendant filed Notice of Appeal, Notice of Lis Pendency and Notice of Action pending in Clerk of Court in Horry County on **August 15, 2018**. The Notice of Sale was filed on **August 29, 2018**. The terms of sale were 5% of the amount of bid paid on the date of sale balance due in 30 days or subject to resell of said premises under order of the Court after 30 days. The Master-in-Equity shall forthwith resell of the said property after the due notice and advertisement, and shall continue to sell the same each subsequent sales day until a purchaser, who shall comply with the terms of sale, shall be obtained, such sales to be made at the risk of the former purchaser. Cash interest (7.5%) to be paid on balance of bid from date of sale to date of compliance. The property was allegedly sold on **September 4, 2018**. The Master-in- Equity acted outside of the scope of authority by failing to comply with these terms of **Notice of Sale**. Property was supposed to be sold subject to taxes and assessments, existing easements and restriction of record. Pursuant to Rule 53(b), once a matter is referred to the Master, the master or special referee shall exercise all powers and authority which a circuit judge sitting without a jury would have in a similar matter. The challenge of authority and power of a Master-in-Equity can be raised at any time including for the first time on appeal. The Master authorized that same purchaser an **Assignment of Bid** to third party on **August 29, 2019**, (330) days after the purchaser's bid had expired. In similar matter *Smith v Ocean Lakes Family Campground*, In Ocean Lakes, the Circuit Court referred the action to the Master-in-Equity, requiring that final

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order shall be filed within 90 days of the date of the order of reference; otherwise this order of reference is null and void. When the master filed his final order 145 days after the order of reference, the parties appeal the Court of Appeals held the order was invalid. The Defendant appeals the execution of **Foreclosure Master-in-Equity deed** of conveyance filed on **September 4, 2019** because the Master allegedly sold the property on **September 4, 2018** then authorized invalid **Assignment of Bid** on **August 29, 2019**, conveyed improper ownership of the property with discrepancy of legal description, then failed to comply with the terms of sale on cash interest (7.5%) to be paid on balance of bid from date of sale **September 4, 2018** to date of compliance **August 29, 2019**.

Date: August 15, 2022

Bobby Bellamy

On Record:

Bobby J. Bellamy Pro se
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843 457-3625

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2838 Devine St.
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John Kelchner
Hutchens Law Firm
P.O. Box 8237
Columbia SC 29201 803 726-2700

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Leticia LLC by depositing a copy of it in the United States Mail, certified return receipt, postage prepaid on August 15, 2022 address to: Leticia LLC 2943 Fred Nash Blvd Myrtle Beach SC 29577 843 293-5706

I certify that I have served the Notice of Appeal on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid on August 15, 2022 address to his attorney of record: Cliff Moore III SC Bar # 4067

**Adams and Reese LLP,
1501 Main Street 5th floor
Columbia, S.C. 29201
803 254-4190**

I certify that I have served the Notice of Appeal on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid on August 15, 2022 address to his attorney of record: Kirby Darr Shealy, III, SC Bar # 11556

**Adams and Reese LLP,
1501 Main Street 5th floor
Columbia, S.C. 29201
803 254-4190**

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I certify that I have served the Notice of Appeal on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid on August 15, 2022 address to his attorney of record: Ashley Zarrett Stanley SC Bar # 74854

**Hutchens Law Firm
P.O. Box 8237
Columbia, S.C. 29201
803 726-2700**

I certify that I have served the Notice of Appeal on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid on August 15, 2022 address to his attorney of record: John B. Kelchner SC Bar # 13589

**Hutchens Law Firm
P.O. Box 8237
Columbia, S.C. 29201
803 726-2700**

I certify that I have served the Notice of Appeal on Tyrone Davis by depositing a copy of it in the United States Mail, postage prepaid on August 15, 2022 address to his attorney of record: Daniel J. Orvin SC Bar # 13744

**Womble Bond Dickson LLP
5 Exchange Street
Charleston, SC 29401
843 722-3400**

I certify that I have served the Notice of Appeal on Tyrone Davis by depositing a copy of it in the United States Mail, postage prepaid on August 15, 2022 address to his attorney of record: Matthew Tillman SC Bar # 70338

Womble Bond Dickson LLP

5 Exchange Street

Charleston, SC 29401

843 722-3400

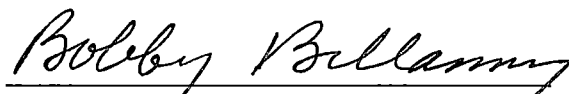
I certify that I have served the Notice of Appeal by depositing a copy of it in the United States Mail, postage prepaid on August 15, 2022 address to attorney: Stephanie M.

Huggins Esq. SC Bar # 101757

Riley, Pope and Laney LLC

2838 Devine St. Columbia, SC 29205

803 799-9993



Bobby Bellamy, Attorney Pro se

P.O. Box 1674 Little River, SC 29566

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CLERK OF COURT
HORRY COUNTY, SC

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Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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Re: M&T Bank etal, Respondent v Bobby Bellamy Appellant
Case no: 2011-CP-26-01809

Dear Ms., Kitchings:

Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondents.
- (2) Assignment of Bid
- (3) Notice of Sale
- (4) Foreclosure-Master-in-Equity Deed
- (5) A filing fee of \$250.00

Sincerely

Bobby Bellamy
Bobby J. Bellamy, Pro se

cc:

Leticia LLC

Cliff Moore III

Kirby Shealy III

John Kelchner

Daniel Orvin

Ashley Stanley

Stephanie Huggins Esq.

Matthew Tillman

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Clerk of Court: Ms. Jenny R. Hichings
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