

**PROOF OF SERVICE OF AMENDED NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Case No. 2013-CP-26-5009

K N S Foundation, LLC, d/b/a/ Elite ..... Appellant

v.

City of Myrtle Beach ..... Respondent

**PROOF OF SERVICE**

I, Lynn Hearl, of the Law Firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., certify that I have this day, Thursday December 5, 2013, Hand Delivered a copy of the following: (1) Appellant's Amended Notice of Appeal, (2) a copy of the divided order of the City of Myrtle Beach Council suspending K N S Foundation, LLC d/b/a Elite's 3 business licenses signed only by Mayor Pro Temp Wayne Gray on July 9, 2013, (3) a copy of Judge William H. Seals, Jr.'s order denying amended appeal of KNS Foundation, LLC, d/b/a/ Elite filed on September 30, 2013, and (4) a copy of Judge William H. Seals, Jr.'s order denying KNS Foundation, LLC's Motion to Reconsider, Alter and Amend the Court's Order, pursuant to Rules 52 and 59, SCRCF filed on November 6, 2013, to the following addresses of Respondent's Counsel:

Michael W. Battle, Esquire  
Battle Law Firm, LLC  
1200 Main Street  
Conway, South Carolina 29528  
843-248-4321 Telephone  
[mbattle@battlevaught.com](mailto:mbattle@battlevaught.com)  
Attorney for Respondent

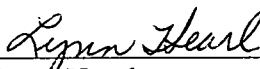
**RECEIVED**  
DEC 10 2013

**SC Court of Appeals**

Thomas Eugene Ellenburg, Esquire  
City of Myrtle Beach  
937 Broadway Street  
Myrtle Beach, S. C. 29577  
843-918-1009 Telephone  
[tellenburg@cityofmyrtlebeach.com](mailto:tellenburg@cityofmyrtlebeach.com)  
Attorney for Respondent

I, Lynn Hearl, of the Law Firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P. A., certify that I have this day, Friday December 6, 2013, served Thomas Eugene Ellenburg by depositing same in the U. S. Post Office Certified Mail Return Receipt Requested a copy of the Following: (1) Appellant's Amended Notice of Appeal, (2) a copy of the divided order of the City of Myrtle Beach Council suspending KNS Foundation, LLC d/b/a Elite's 3 business licenses signed only by Mayor Pro Temp Wayne Gray on July 0, 2013, (3) a copy of Judge William H. Seals, Jr.'s order denying amended appeal of KNS Foundation, LLC, c/b/a/ Elite filed on September 30, 2013, and (4) a copy of Judge William H. Seals, Jr.'s order denying KNS Foundation, LLC's Motion to Reconsider, Alter and Amend the Court's Order, pursuant to Rules 52 and 59, SCRPC filed on November 6, 2013, to the following Address of Respondent's Counsel.

Thomas Eugene Ellenburg, Esquire  
City of Myrtle Beach  
937 Broadway Street  
Myrtle Beach, S. C. 29577  
843-918-1009 Telephone  
[tellenburg@cityofmyrtlebeach.com](mailto:tellenburg@cityofmyrtlebeach.com)  
Attorney for Respondent

  
\_\_\_\_\_  
Lynn Hearl

December 5, 2013

Myrtle Beach, SC

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 K N S Foundation, LLC, d/b/a Elite )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 The City of Myrtle Beach, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FIFTEENTH JUDICIAL CIRCUIT  
 CIVIL ACTION NO. 2013- CP-26- 5009

**CERTIFICATE OF DELIVERY**

I, Lynn Hearl, of the Law Firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., certify that I have this day Hand Delivered a copy of the following: Appellant’s Amended Notice of Appeal, a copy of the divided order of the City of Myrtle Beach Council suspending K N S Foundation, LLC d/b/a Elite’s 3 business licenses signed only by Mayor Pro Temp Wayne Gray on July 9, 2013, a copy of Judge William H. Seals, Jr.’s Order Denying Amended Appeal of KNS Foundation, LLC, d/b/a/ Elite filed on September 30, 2013, and a copy of Judge William H. Seals, Jr.’s Order Denying KNS Foundation, LLC’s Motion to Reconsider filed on November 6, 2013 to the following address:

Michael W. Battle  
 Battle Law Firm, LLC  
 1200 Main Street  
 Conway, South Carolina 29526

Thomas Eugene Ellenburg  
 City of Myrtle Beach  
 937 Broadway Street  
 Myrtle Beach, S. C. 29577

Thomas E. Leath  
City Manager, City of Myrtle Beach  
937 Broadway St.  
Myrtle Beach, S.C. 29577

  
Lynn Hearl

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Myrtle Beach, S. C. 29577  
December 5, 2013

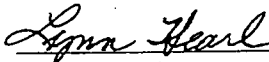
STATE OF SOUTH CAROLINA )  
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 COUNTY OF HORRY )  
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 K N S Foundation, LLC, d/b/a Elite )  
 )  
 Appellant, )  
 )  
 v. )  
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 The City of Myrtle Beach, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FIFTEENTH JUDICIAL CIRCUIT  
 CIVIL ACTION NO. 2013- CP-26- 5009

CERTIFICATE OF MAILING

I, Lynn Hearl, of the Law Firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., certify that I have this day mailed a copy of the following certified mail return receipt requested: Appellant’s Amended Notice of Appeal, a copy of the divided order of the City of Myrtle Beach Council suspending K N S Foundation, LLC d/b/a Elite’s 3 business licenses signed only by Mayor Pro Temp Wayne Gray on July 9, 2013, a copy of Judge William H. Seals, Jr.’s Order Denying Amended Appeal of KNS Foundation, LLC, d/b/a/ Elite filed on September 30, 2013, and a copy of Judge William H. Seals, Jr.’s Order Denying KNS Foundation, LLC’s Motion to Reconsider filed on November 6, 2013 to the following address:

Thomas Eugene Ellenburg  
 City of Myrtle Beach  
 937 Broadway Street  
 Myrtle Beach, S. C. 29577

  
 \_\_\_\_\_  
 Lynn Hearl

Myrtle Beach, S. C. 29577  
 December 6, 2013

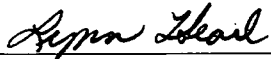
STATE OF SOUTH CAROLINA )  
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 K N S Foundation, LLC, d/b/a Elite )  
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 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FIFTEENTH JUDICIAL CIRCUIT  
 CIVIL ACTION NO. 2013- CP-26- 5009

**CERTIFICATE OF MAILING**

I, Lynn Hearl, of the Law Firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., certify that I have this day mailed a copy of Appellant’s Amended Notice of Appeal, a copy of the divided Order of the City of Myrtle Beach Council suspending KNS Foundation, LLC’s 3 business licenses signed only by mayor Pro Temp Wayne Gray on July 9, 2013, a copy of Judge William H. Seals, Jr.’s Order Denying Amended Appeal of KNS Foundation, LLC, d/b/a/ Elite filed on September 30, 2013 and a copy of Judge William H. Seals, Jr.’s Order Denying KNS Foundation, LLC’s Motion to Reconsider filed on November 6, 2013 by U. S. Mail to the following address:

Ms. Melanie Huggins  
 Horry County Clerk of Court  
 1301 2<sup>nd</sup> Ave.  
 Conway, SC 29526

  
 \_\_\_\_\_  
 Lynn Hearl Asst. to Howell V. Bellamy, III

Myrtle Beach, S. C. 29577

December 6, 2013

BELLAMY, RUTENBERG, COPELAND,

EPPS, GRAVELY & BOWERS, P.A.

ATTORNEYS AT LAW

1000 29TH AVENUE NORTH

P.O. Box 357

MYRTLE BEACH, SOUTH CAROLINA 29578

TELEPHONE (843) 448-2400

TELECOPIER (843) 448-3022

HOWELL V. BELLAMY, JR.  
JOHN K. RUTENBERG (1939-2012)  
JOHN E. COPELAND  
CLAUDE M. EPPS, JR.\*\*\*\*  
DAVID R. GRAVELY\*  
EDWARD B. BOWERS, JR.\*\*\*\*\*  
BRADLEY D. KING  
M. EDWIN HINDS, JR.  
JILL F. GRIFFITH  
DAVID B. MILLER\*\*\*

C. WINFIELD JOHNSON, III  
DOUGLAS M. ZAYICEK  
MARTIN C. DAWSEY\*\*\*\*\*  
ROBERT S. SHELTON\*\*\*  
HOWELL V. BELLAMY, III  
ASHLEY P. MORRISON  
GEORGE W. REDMAN, III\*\*  
BENJAMIN A. BAROODY\*\*  
PHILLIP H. ALBERGOTTI\*\* \*\*\*\*\*  
HAYES K. STANTON\*\*\*  
JAMES E. HILL, III\*\* \*\*\*\*\*  
KIERSTEN M. GORDON\*\*\*\*\*

\*FELLOW OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS  
\*\*ALSO MEMBER OF NORTH CAROLINA BAR  
\*\*\*CERTIFIED MEDIATOR  
\*\*\*\*RETIRED  
\*\*\*\*\*LLM TAXATION  
\*\*\*\*\*MEMBER OF NC BAR ONLY

Writer's Direct Line: 843-282-5393

E-Mail: [Lhearl@BellamyLaw.com](mailto:Lhearl@BellamyLaw.com)

December 9, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
S. C. Judicial Department  
1015 Sumter Street  
Columbia, South Carolina 29210

RECEIVED  
DEC 10 2013  
SC Court of Appeals

Re: KNS Foundation, LLC d/b/a Elite vs City of Myrtle Beach  
Case No. 2013-CP-26-04103

Dear Ms. Kitchings:

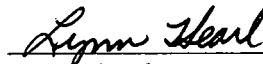
Enclosed for filing, is the Appellant's Amended Notice of Appeal in the above-referenced matter. Please file the original and return a clocked copy to me in the enclosed self-addressed, stamped envelope. Also, enclosed is our check for \$100.00 made payable to South Carolina Court of Appeals, dated December 4, 2013 and our proof of service of each document.

We are serving a copy of this letter on counsel for the Respondent. I appreciate your assistance in this matter and should you have any questions or concerns, please give us a call at 843-282-5393.

With kindest regards, I remain

Sincerely,

BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.



Lynn Hearl

Assistant to Howell V. Bellamy, III

/lh

cc:

May 15, 2013  
Page 2

John M. Leither, Esquire  
Armand G. Derfner, Esquire  
Michael W. Battle, Esquire  
Thomas Eugene Ellenburg, Esquire  
Thomas E. Leath  
Melanie Huggins

**BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P. A.**

**ATTORNEYS AT LAW**

**1000 29TH AVENUE NORTH**

**P.O. Box 357**

**MYRTLE BEACH, SOUTH CAROLINA 29578**

**TELEPHONE (843) 448-2400**

**TELECOPIER (843) 448-3022**

*Writer's Direct Line: 843-282-5393*

*E-Mail: [LHearl@BellamyLaw.com](mailto:LHearl@BellamyLaw.com)*

HOWELL V. BELLAMY, JR.  
JOHN K. RUTENBERG (1939-2012)  
JOHN E. COPELAND  
CLAUDE M. EPPS, JR.\*\*\*\*  
DAVID R. GRAVELY\*  
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\*FELLOW OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS  
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HAYES K. STANTON\*\*\*  
JAMES E. HILL, III\*\* \*\*\*\*\*  
KIERSTEN M. GORDON\*\*\*\*\*

December 9, 2013

**RECEIVED**

DEC 10 2013

**SC Court of Appeals**

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

Re: KNS Foundation, LLC d/b/a Elite vs City of Myrtle Beach  
Case Number: 2013-CP-26-04103

Dear Ms. Kitchings:

Enclosed for filing is Appellant's Amended Notice of Appeal in the above-referenced matter. Also enclosed are the following relevant documents:

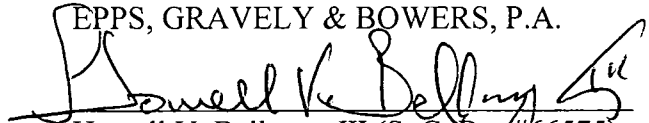
1. A copy of the divided order of the City of Myrtle Beach Council affirming the suspension decision of the business license department by revoking KNS Foundation, LLC's 3 business licenses on July 9, 2013. The revocation order was only signed by Mayor Pro Temp Wayne Gray;
2. A copy of Judge William H. Seals, Jr.'s order denying the amended appeal of KNS Foundation, LLC, d/b/a/ Elite filed September 30, 2013;
3. A copy of Judge William H. Seals, Jr.'s order denying KNS Foundation, LLC, d/b/a/ Elite's motion to reconsider its amended appeal, pursuant to Rules 52 and 59, SCRCPC, filed November 6, 2013;
4. A copy of Appellant's original Notice of Appeal dated December 2, 2013;
5. Certificate of Mailing of Appellant's original Notice of Appeal to Mike Battle, and Tom Ellenburg;
6. Certificate of Delivery of Appellant's Amended Notice of Appeal to Mike Battle, and Thomas E. Leath;

7. Certificate of Mailing of Appellant's Amended Notice of Appeal to Tom Ellenburg;
8. Certificate of Mailing of Appellant's Amended Notice of Appeal to the Horry County Clerk of Court Melanie Huggins;
9. Check made payable to the Court of Appeals in the amount of \$100.00;
10. Proof of Service of the Notice of Appeal and orders on the Respondent; and
11. Proof of Service of the Amended Notice of Appeal and orders on the Respondent.

Should you have any questions or concerns, please do not hesitate to give us a call at (843)-282-5393.

Sincerely,

BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.



Howell V. Bellamy, III (S. C. Bar #66575)

[hbellamyiii@bellamylaw.com](mailto:hbellamyiii@bellamylaw.com)

Howell V. Bellamy, Jr. (S.C. Bar #68543)

[dnep@bellamylaw.com](mailto:dnep@bellamylaw.com)

1000 29<sup>th</sup> Ave. N.

Myrtle Beach, S. C. 29577

(843)-448-2400 Phone

(843)-448-3022 Facsimile

Attorneys for Appellant

HVBIII/lh

Enclosure

cc:

John M. Leiter, Esquire

Law Offices of John M. Leiter, P. A.

1203 48<sup>th</sup> Ave. North, Ste 109

Myrtle Beach, S. C. 29577

Attorney for Appellant

**RECEIVED**

DEC 10 2013

**SC Court of Appeals**

Armand G. Derfner, Esquire  
Derfner Altman & Wilborn, LLC  
P. O. Box 600  
Charleston, S. C. 29402  
Attorney for Appellant

Michael W. Battle, Esquire  
Battle Law Firm, LLC  
Post Office Box 530  
Conway, South Carolina 29528  
Attorney for Respondent

Thomas Eugene Ellenburg, Esquire  
City of Myrtle Beach  
P. O. Box 2468  
Myrtle Beach, S. C. 29577  
Attorney for Respondent

Ms. Melanie Huggins  
Horry County Clerk of Court  
1301 2<sup>nd</sup> Ave.  
Conway, S. C. 29526