

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Appellate Case No: 2015-002255

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JAN 13 2016

SC Court of Appeals

Tommy J Bellamy,

Appellant

MOTION TO RECALL THE REMITTITUR

v.

Horry County Assessor,

Respondent

To the Honorable Harold W. Funderburk Jr,

Trial Court Case No. 2015 ALJ170462CC

Appellant, Tommy Bellamy, respectfully moves as Attorney pro se to the South Carolina Court of Appeals for an order Recalling the Remittitur and permitting Appellant to reinstate his appeal in this case. This motion is based upon the following points and authorities and the attached declarations. Dated: Respectfully submitted,

Tommy J. Bellamy Attorney Pro se  
3658 Sea Mountain Highway,  
Little River, South Carolina 29566  
843 457-3625

## POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO RECALL REMITTITUR

Following the order and judgment entered on January 7, 2016 for failure to file an initial brief that is properly paginated to the South Carolina Court of Appeals:

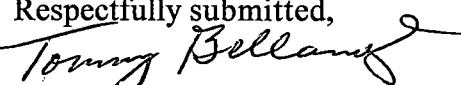
Appellant filed an Initial Brief on December 15, 2015. On December 17, 2015, the Appeals Clerk sent a letter that included the list of exhibits that were attached to the Initial Brief. The Appeals Clerk requested that the documents be properly paginated. The Initial Brief was not returned. The documents were paginated and returned as requested with the Record on Appeal.

The Appeals Clerk returned the Record on Appeal to Appellant on December 22, 2015 as being premature because the Respondent had not filed an Initial Brief and Designation of Matter. The Initial Brief was not included in those returned documents to be paginated.

The Appellant's position is that the Appeals Clerk referred to the exhibits to be paginated. The Appeals Clerk was called to request order of compliance. The clerk informed the need to wait for the Respondents reply by January 16, 2016. The clerk made no mention of deficiency of the Initial Brief to be paginated. In accordance to South Carolina Rule 260 Dismissal and Reinstatement, this Motion to Recall Remittitur is submitted to the South Carolina Court of Appeals on January 12, 2016 as required within fifteen days after the Order on January 07, 2016.

I pray that the South Carolina Court of Appeals allow this Motion To Recall Remittitur and accept this copy of the Initial Brief that has been properly paginated and permit the Appellant to reinstate his appeal.

January 12, 2016

Respectfully submitted,  
  
Tommy J. Bellamy Attorney Pro se  
3658 Sea Mountain Highway,  
Little River, South Carolina 29566  
843 457-3625

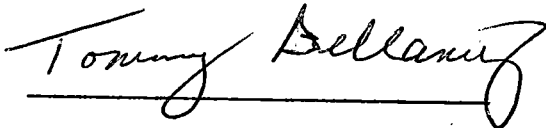
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SC Court of Appeals

**Certificate of Service**

I **Tommy J. Bellamy** signs this true statement to serve a copy of Appellant's paginated Initial Brief and Motion to Recall the Remittitur to the Respondent's Attorney and affected agency or county official as addressed below, in accordance with rule 5, proof of service, certified by United States Postal Service or serve in person this date: January 12, 2016



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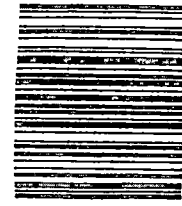
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