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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

RECEIVED

Honorable H. W. Funderburk, Jr., Administrative Law Judge
Case No.: 2015-002255

MAY 23 2016

SC Court of Appeals

Tommy J. BellamyAppellant

vs.

Horry County AssessorRespondent

**RESPONDENT'S MOTION FOR EXTENSION
OF TIME TO FILE FINAL BRIEF**

Respondent Horry County Assessor ("Respondent"), hereby respectfully moves the Court, pursuant to Rule 240(a), SCACR, for an extension of time to file its Final Brief.

Respondent served the *pro se* Appellant with a copy of its Initial Brief and Designation of Matter on May 6, 2016. Respondent received the Record on Appeal ("Record") from the Appellant on May 17, 2016. After reviewing the Record the Respondent determined that items were omitted from the Record and other items contained in the Record were incomplete. The following documents, listed in the Respondent's Designation of Matter, were either omitted from the Record or are incomplete:

1. Notice of Appeal
2. Order Denying Mr. Bellamy's Motion for Reconsideration dated October 23, 2015
3. Motion to Reconsider - Letter from Tommy Bellamy to Administrative Law Court requesting reconsideration of the Order of Dismissal

4. Order of Dismissal dated October 16, 2015
5. Notice of Intent to Appeal and Request for a Contested Case Hearing with Administrative Law Judge
6. Request for Appeal to the Horry County Board of Assessment Appeals received May 12, 2015
7. Request for Refund from Tommy J. Bellamy Submitted March 20, 2015
8. Letter from Dana B. Fogner to Tommy Bellamy dated October 8, 2014
9. Letter from Tommy Bellamy, BC Fund LLC to Horry County Assessor's Office dated March 3, 2010, (incomplete)
10. Deed to BCFUND, LLC dated October 4, 2007, recorded October 9, 2007, in Deed Book 3282, Page 2931 (incomplete)
11. Deed to Tommy J. Bellamy dated January 3, 2007, recorded January 9, 2007, in Deed Book 3211, Page 1979

These items are referenced in the Respondent's Initial Brief and need to be included in the Record on Appeal. Wherefore, Respondent contends that this appeal and the interest of justice will be served by granting said Respondent an extension of time, Respondent therefore respectfully prays the Court for an order granting the Respondent an extension of time to file its Final Brief until the Record on Appeal has been corrected.

Accordingly, Respondent requests the Court to enter an Order enlarging the time for the Respondent to submit its Final Brief until such time that the Record on Appeal has been corrected and filed with the Court.

Respectfully submitted,



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Leah Montgomery Cromer, Esquire
S.C. Bar No. 100700
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May 19, 2016

Attorneys for Respondent

IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

RECEIVED

MAY 23 2016

Honorable H. W. Funderburk, Jr., Administrative Law Judge

SC Court of Appeals

Docket No.: 15-ALJ-17-0462-CC

Tommy J. Bellamy.....Appellant

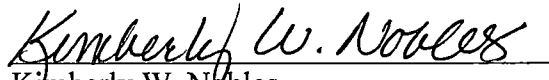
vs.

Horry County Assessor.....Respondent

PROOF OF SERVICE

I certify that I have served the Respondent's Motion for Extension of Time to File Final Brief by depositing a copy of it in the United States mail, postage prepaid, on May 19, 2016, addressed to the *pro se* Appellant as follows:

Tommy J. Bellamy
3684 Sea Mountain Highway
Little River, South Carolina 29566


Kimberly W. Nobles
Thomas & Brittain, P.A.
Post Office Box 1290 (zip 29578)
1314 Professional Drive (zip 29577)
Myrtle Beach, South Carolina
Telephone: 843-692-2628
Fax: 843-692-0928

May 19, 2016

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*CERTIFIED EMPLOYMENT
& LABOR LAW SPECIALIST

May 19, 2016

RECEIVED
MAY 23 2016
SC Court of Appeals

Via Fax Transmission and U.S. Mail

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

Re: Tommy Bellamy v. Horry County Assessor
Appellate Case No. 2015-002255

Dear Ms. Kitchings:

Our firm represents the Horry County Assessor in the above-referenced matter. We are in receipt of the Record on Appeal ("Record") received from the *pro se* Appellant. After reviewing the Record we have determined that it does not contain several documents which the Respondent listed in its Designation of Matter.

Respondent served its Initial Brief and Designation of Matter on the *pro se* Appellant on May 6, 2016, by placing a copy of it in the United States mail. On May 17, 2016, the Respondent received the Record on Appeal from the Appellant. The Record only contains seven of the sixteen items included in the Respondent's Designation of Matter. Of those seven items, two of the items are incomplete and do not contain all of the pages. The following documents, listed in the Respondent's Designation of Matter, were either omitted from the Record or are incomplete:

1. Notice of Appeal
2. Order Denying Mr. Bellamy's Motion for Reconsideration dated October 23, 2015
3. Motion to Reconsider - Letter from Tommy Bellamy to Administrative Law Court requesting reconsideration of the Order of Dismissal
4. Order of Dismissal dated October 16, 2015
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Due to the incompleteness and omission of the documents which the Respondent listed in its Designation of Matter, the Respondent respectfully requests an extension of time in which to file its Final Brief. Please find enclosed the Respondent's Motion for Extension of Time to File the Final Brief and our check in the amount of \$25.00 for the filing fee. Please provide us with a clocked copy in the enclosed self-addressed stamped envelope.

By copy of this letter to the Appellant, we are notifying him of the discrepancies. Please do not hesitate to contact our office if you have any questions.

Sincerely yours,

THOMAS & BRITAIN, P.A.

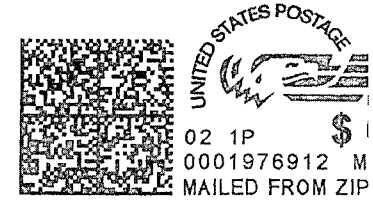


Emma Ruth Brittain

ERB/kwn

Enclosures

cc: Mr. Tommy J. Bellamy
Arrigo P. Carotti, Esquire, Horry County Attorney



EMMA RUTH BRITTAIN THOMAS & BRITTAIN, P.A. 1314 PROFESSIONAL DRIVE MYRTLE BEACH, SOUTH CAROLINA 29577
TO: The Honorable Jenny Abbott Kitchings Clerk, South Carolina Court of Appeals Post Office Box 11629 Columbia, South Carolina 29211

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