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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Case No. 2015-002255

RECEIVED
AUG 23 2016
SC Court of Appeals

Tommy J. Bellamy-----, Appellant

v.

Horry County Assessor-----, Respondent

**MOTION TO SUBSTITUTE RESPONDENT'S EXHIBIT NUMBER TWO
PAGE 39 AND MOTION TO APPROVE AMENDED RECORD ON FILE UNDER
RULE 240, SCACR.**

August 20, 2016

Appellant moves the court for an Order to Substitute Respondents Exhibit No. 2 page 39, titled Notice of Assignment dated October 15, 2015 and replace with correct Order Denying Mr. Bellamy's Motion for Reconsideration dated October 23, 2015 under Rule 240, SCACR. The correct order will substitute with the same exhibit number and same page number. Additionally, Appellant moves for an order to approve Amended Record on Appeal with no additional changes.

The Respondent has alleged documents are not included in the Amended Record on Appeal in a letter to The Honorable Jenny Abbott Kitching, dated July 28, 2016. The appropriate exhibit number and page number is provided below for location of documents that are provided in the Amended Record on Appeal as follows:

1. Order Denying Mr. Bellamy's Motion for reconsideration dated October 23, 2015. Respondents request to substitute See: *Respondents Exhibit list No.2 page 39*. **Appellant filed the wrong order in error, but has moved the court for an order to replace the correct order with the same exhibit number and page number.**
2. Notice of Intent to Appeal and Request for a Contested Case hearing with Administrative Law Judge. See: *Respondents Exhibit List No. 5 page 44, 45*. **Appellant filed the correct exhibit.**

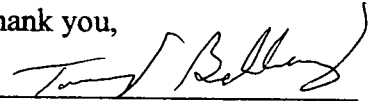
3. Request for Refund from Tommy J. Bellamy Submitted May 12, 2015. See: *Appellants Exhibit list No.7 page 16, 17. Appellant filed the correct exhibit.*
4. Deed dated February 10, 2010, recorded February 25, 2010, in Deed Book 3447, Page 1341. See: *Respondent Exhibit List No. 12 page 60-62*, according to the Respondent, there was an incorrect TMS number that was re-recorded. Respondent does not have the authority to correct or re-record a deed by changing the TMS number on a signed deed. The TMS number is the correct TMS number from the parent tract to Tommy Bellamy property. **Appellant filed the correct exhibit.**

Documents that were alleged to be incomplete.

1. Letter from Dana B. Fogner (Horry County Assistant Assessor) to Tommy Bellamy dated October 8, 2014. The Respondent requested the **letter** from Dana B. Fogner in the Designation of Matter dated May 6, 2016, signature page is final page. See: *Appellants Exhibit list No.9 page 26, 27* (The final page does not contain Horry County's findings of law, fact and conclusion). **Appellant filed the correct exhibit.**
2. Letter from Tommy Bellamy, BC Fund, LLC to Horry County's Assessor's Office dated March 3, 2010. See: *Appellants Exhibit No.7 page 15. Appellant filed the correct exhibit.*

The Appellant prays that this Honorable Court approves the Amended Record on Appeal and allow this case to move forward.

Thank you,



Tommy Bellamy, Appellant
Attorney Pro se,
3684 Sea Mountain Highway,
Little River S.C, 29566
843 457-3625

Attorneys for the Respondent

Arrigo P. Carotti,
Horry County Attorney's Office
1301 Second Avenue
Conway, South Carolina 29526

Emma Ruth Brittain, Attorney at law
1314 Professional Drive
P.O. Box 1290
Myrtle Beach, South Carolina 29577



AP 1012412023

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

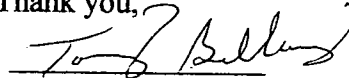
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Re: Tommy J. Bellamy v Horry County Assessor's Office
Appellate Case No. 2015-002255

Dear Ms. Kitchings:

Enclosed, please find, Motion for Substitution and Motion to Approve Amended Record on Appeal. I am enclosing the correct order dated October 23 2015 from the Administrative Law Judge. I am requesting permission to substitute the Respondent's Exhibit No. 2 page 39 titled Notice of Assignment dated October 15, 2015 and replace with correct Order Denying Mr. Bellamy's Motion for Reconsideration dated October 23, 2015. If permission is granted please replace with the same exhibit number and page number of the original exhibit.

Thank you,



Tommy J. Bellamy, Attorney Pro se, Appellant

Cc: Arrigo Paul Carotti, Esquire
Emma Ruth Brittan, Esquire

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AUG 23 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Tommy J. Bellamy,)
)
Petitioner,)
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vs.)
)
Horry County Assessor,)
)
Respondent.)
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Docket No. 15-ALJ-17-0462-CC

ORDER DENYING PETITIONER'S
MOTION FOR
RECONSIDERATION

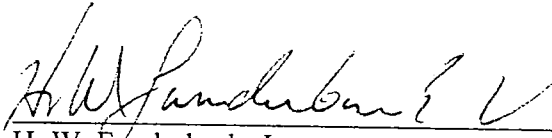
FILED

OCT 23 2015

This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to correspondence from Petitioner, which the Court will construe as a Motion for Reconsideration, even though it appears Petitioner has not served Respondent.

The decision of the Horry County Board of Assessment Appeals ("Board") was dated September 4, 2015. The Board's decision included information on the time for appeal and specifically stated that "[w]ithin thirty (30) days of the date of the board's written decision, you may appeal by requesting a contested case hearing before the South Carolina Administrative Law Court." This language corresponds with the statute, S.C. Code Ann. § 12-60-2540(A) (2014), and court rule, ALC Rule 11(C), which pertain to county tax matters. Petitioner did not file his request for a contested case hearing with the ALC until October 7, 2015, more than thirty days of the date of the Board's decision. It is therefore,

ORDERED that Petitioner's Motion for Reconsideration is **DENIED**.
AND IT IS SO ORDERED


H. W. Funderburk, Jr.
Administrative Law Judge

October 23, 2015
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

RECEIVED

AUG 23 2016

SC Court of Appeals

Tommy J. Bellamy,

Petitioner,

vs.

Horry County Assessor,

Respondent.

NOTICE OF ASSIGNMENT
(Contested Case)

DOCKET NO. 15-ALJ-17-0462-CC

NOTICE IS GIVEN that a request for a contested case hearing was filed on October 7, 2015. In accordance with S.C. Code Ann. § 1-23-570 (Supp. 2014), the Honorable H. W. Funderburk, Jr., Administrative Law Judge, has been assigned to preside in this matter. The Administrative Law Judge may be contacted by mail at 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201, and by telephone at (803) 734-0550.

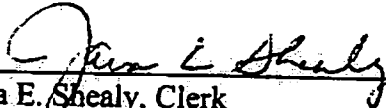
Rules of Procedure governing matters before the Court may be obtained from the Clerk of Court or on the Court's website, www.scalc.net.

A copy of any document or any other item filed with the Court shall be sent to all other parties at the time of filing. If a mailing address changes, or if an address is incorrect, the Court must be notified immediately of the correct address.

This the fifteenth day of October, 2015.

Ralph King Anderson, III
Chief Administrative Law Judge

By:


Jana E. Shealy, Clerk
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201

FILED

OCT 15 2015

SC ADMIN. LAW COURT

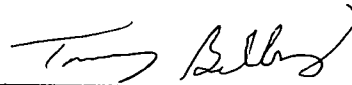
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CERTIFICATE OF SERVICE BY MAIL

I, Tommy J Bellamy, Attorney Pro se, hereby certify that I will serve this MOTION TO SUBSTITUTE RESPONDENT'S EXHIBIT NUMBER TWO PAGE 39 AND MOTION FOR ORDER TO APPROVE AMENDED RECORD ON FILE by United States Mail return receipt to the Respondent's Attorney addressed below on August 20, 2016.



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

August 20, 2016

Arrigo P. Carotti,
Horry County Attorney's Office
1301 Second Avenue
Conway, South Carolina 29526

Emma Ruth Brittain, Attorney at law
1314 Professional Drive
P.O. Box 1290
Myrtle Beach, South Carolina 29577


EXP 10/24/2023

Tommy Bellamy
3684 Steam Highway
Little River, SC
29566



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29211

U.S. POSTAGE
PAID
NORTH MYRTLE BEACH, SC
29582
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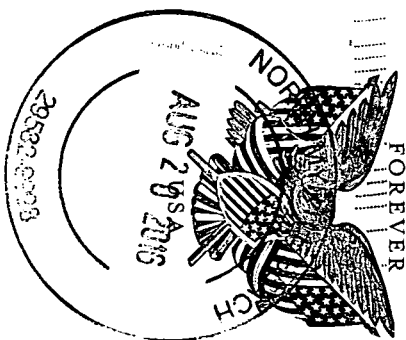
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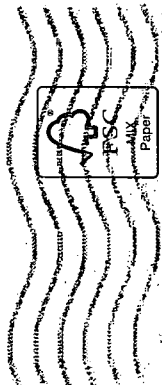
S.C. County Appeals
P.O. Box #629
Columbia, S.C.
29211
Attn: Clerk's Office

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SC Court of Appeals





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