

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Case No.: 2015-002255

RECEIVED
AUG 31 2016
SC Court of Appeals

Tommy J. Bellamy.....Appellant

Vs.

Horry County Assessor.....Respondent

APPELLANT’S RESPONSE IN OPPOSITION TO RESPONDENT’S SECOND MOTION FOR EXTENSION OF TIME TO FILE FINAL BRIEF AND APPELLANT’S SECOND MOTION TO SUBSTITUTE RESPONDENT’S EXHIBIT ON AMENDED RECORD ON APPEAL

The Appellant, Attorney Pro se moves the court under Rule 240, SCACR for second Order to Substitute Respondent’s Exhibits on Amended Record on Appeal. Respondent’s Exhibit No. 5 Page No. 45, 46 titled: **Notice of Intent to Appeal to South Carolina Court of Appeals** dated, November 2, 2015, and replace with substitute titled: **Notice of Intent to Appeal and Request for a Contested Case Hearing with Administrative Law Judge** dated October 5, 2016. The documents substitutes with the same Respondent Exhibit No. 5 and Page No. 45, 46 and Title. Additionally, Order to Substitute Respondent’s Exhibit No. 9 Page No. 55 titled: **Request for Conference** dated March 03, 2015 and replace with substitute titled: **Request for Refund** submitted March 20, 2015. The document substitutes with the same Respondent’s Exhibit No. 9 and Page No. 55 and Title.

Appellant moves for an order to approve Amended Record on Appeal with no additional changes, and hereby respond in opposition to Respondents' Second Motion for Extension of Time to file Final Brief. In opposition thereto Appellant submit the following:

1. Appellant objects to requests in Respondent's list Number (1). **Order Denying Mr. Bellamy's Motion for Reconsideration (Mr. Bellamy did not file Motion for Reconsideration)** and (2). **Notice of Intent to Appeal and Request for a Contested Case Hearing with Administrative Law Judge** as it seeks information that is immaterial, irrelevant and not reasonably calculated to lead to admissible evidence. Subject to this objection, to file an appeal with the Administrative Law Judge the Appeal must comply with SC Rule 262(6), Appeals from Administrative Tribunal. Notice of Appeal must be filed within 30 days after **receipt of decision**. See: Respondent Exhibit No. 3, **Letter to Reconsider Order of Dismissal** page 40, 41. Appellant's date of receipt post marked on envelope was September 8, 2015, date of receipt of Appeal to Administrative Law Court was October 7, 2015 within the 30 days of compliance.
2. Appellant object to filing the fraudulent re-recorded Deed, requested by the Respondent list No (4), **Deed dated February 10, 2010, recorded March 4, 2010, in Deed Book 3448, Page 3341**. The original Deed dated February 10, 2010 was altered and re-recorded by the Respondent. The TMS number on the original deed is the identical TMS number as it appears in original deed of transfer October 9, 2007 in Appellant's Exhibit No. 3 Page No. 5, 6 and 7, "act of fraudulently making a false document or altering a real one to be used as if genuine." It is a criminal offense in the US, designated as either a felony or a high-degree misdemeanor.

Appellant has responded to all Respondents request in the document list with the following

Reponses:

1. Order Denying Mr. Bellamy's Motion for Reconsideration dated October 23, 2015.

Response: This document has been submitted for substitution on August 20, 2016

2. Notice of Intent to Appeal and Request for Contested Case Hearing with Administrative Law Judge.

Response: This document is enclosed with request for substitution

3. Request for Refund from Tommy J. Bellamy Submitted March 20, 2015

Response: This document is enclosed with request for substitution

4. Deed dated February 10, 2010, recorded March 4, 2010, in Deed Book 3448, Page 3341.

Response: This document is enclosed for the Court's review for substitution.

1. Letter from Dana B. Fogner (Horry County Assistant Assessor) to Tommy Bellamy dated October 8, 2014.

Response: The Appellant objects, as this request seeks information that is immaterial, irrelevant and not reasonably calculated to lead to admissible evidence. Subject to this objection, the letter is included in the Amended Record on Appeal, the final page of the letter did not list Horry County's findings of Law, Facts and Conclusion.

2. Letter from Tommy Bellamy, BC Fund LLC to Horry County's Assessor's Office dated March 3, 2010.

Response: The Appellant objects, as this request seeks information that is immaterial, irrelevant and not reasonably calculated to lead to admissible evidence. Subject to this objection, the letter is included in the Amended Record on Appeal, there was no second page of the letter submitted by the Appellant.

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

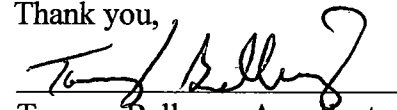
August 29, 2016



My Commission Expires
August 12, 2021



Thank you,



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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY

Case No. 2015-002255

Horry County Assessor,

Respondent,

v.

Tommy J. Bellamy,

Appellant.

PROOF OF SERVICE

I Tommy J. Bellamy, certify that I have served the APPELLANT'S RESPONSE IN OPPOSITION TO RESPONDENT'S SECOND MOTION FOR EXTENSION OF TIME TO FILE FINAL BRIEF AND APPELLANT'S SECOND MOTION TO SUBSTITUTE RESPONDENT'S EXHIBITS IN AMENDED RECORD ON APPEAL on August 29, 2016 to Horry County Assessor by depositing a copy of the Response and Motion in the United States Mail, postage prepaid with return receipt, addressed to Horry County Assessor's Attorney of record, Emma Ruth Brittain and Arrigo P. Carotti, Post Office Box 1290, Myrtle Beach, South Carolina 29578.

August 29, 2016

Elizabeth S. Hardwick

My Commission Expires
August 12, 2021



Tommy J. Bellamy

Tommy J. Bellamy
3684 Sea Mountain Highway
Little River, South Carolina 29566
(843) 457-3625
Attorney for Appellant

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

RECEIVED

AUG 31 2016

SC Court of Appeals

August 29, 2016

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

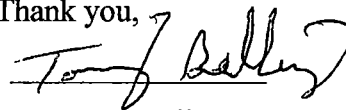
Dear Ms. Kitchings:

Enclosed please find Appellant's Response in Opposition to Respondent's Second Motion for Extension of Time to File Final Brief and Appellant's Second Motion to Substitute Respondent's Exhibit's in Amended Record on Appeal.

The Substitutions are enclosed, Appellant has requested an Order to Substitute Respondent's Exhibit No. 5 Page No. 45, 46 titled: **Notice of Intent to Appeal to South Carolina Court of Appeals** dated November 2, 2015, replace with substitution titled: **Notice Of Intent to Appeal and Request for a Contested Case Hearing with Administrative Law Judge** dated October 5, 2016. The document substitutes with the same Respondent's Exhibit No. 5 and Page No. 45, 46 and title as it appears in Amended Record on Appeal.

Additionally, Appellant has requested an Order to Substitute Respondent's Exhibit No. 9 Page No. 55 titled: **Request for Conference** dated March 03, 2015, replace with substitution titled: **Request for Refund** submitted March 20, 2015. The document substitutes with the same Respondent's Exhibit No. 9 and Page No. 55 and title as it appears in Amended Record on Appeal. Also enclosed, re-recorded **Deed dated February 10, 2010, recorded March 4, 2010, in Deed Book 3448, page 3341**. If permission is granted please replace and substitute each document enclosed with the same title, exhibit number and page number as the document appear in the original exhibits as referenced in this letter and in the Amended Record on Appeal.

Thank you,



Tommy J. Bellamy, Attorney Pro se, Appellant

ck # 1108

Cc: Arrigo Paul Carotti, Esquire

Emma Ruth Brittan, Esquire

**HORRY COUNTY
ASSESSOR'S OFFICE**

1301 Second Avenue Suite 1C08
Conway, South Carolina 29526



Phone: (843) 915-5040
Fax: (843) 915-6040

FROM:

Bellamy Tommy J.
3684 Sea Mountain Highway
Little River SC. 29566

TO:

Horry County Assessor

RE:

MBP# 130-00-01-220

Date Submitted:

3-20-15

3/20/15 71
3/20/14 72
3/20/13

NOTE: REQUEST FOR REFUND ABATEMENT

Effectuated below is information to substantiate request:

Erroneous Value error 2008 and 2009 tax years
Transferred from Tommy J. Bellamy to PC Fund LLC
10/14/09 Separation never materialized failed to
pay 2008 taxes sold to tax sale 12/8/2009
Redeemed 12-01-10
Change erroneous Values for 2008 & 2009 tax years
Appeal filed for 2010 Values changed for year 2010
forward (requesting refund for 2008 & 2009 based on
erroneous Value error

Signature of person to whom abatement
and would be applicable.

Linda Nichols
Signature

**UPON APPROVAL FOR REFUND YOU WILL BE NOTIFIED BY THE HORRY TREASURER'S OFFICE
DETAILING PROCEDURES ON HOW TO OBTAIN YOUR REFUND.**

By the above information has been checked and the above-referenced property has been
properly charged.

Assessor

REFUND/ABATEMENT IS APPROVED BASED ON THE ABOVE CERTIFICATION.

Auditor

Treasurer

Instrument#: 2010000023935, DEED BK: 3448 PG: 3341 DOCTYPE: 001 03/04/2010 at 02:00:59 PM, 1 OF 3, EXEMPT, BALLERY V. SKIPPER, HORRY COUNTY, SC REGISTRAR OF DEEDS TMS Number correct 1300001220

Resword to correct TMS number

Instrument#: 2010000021029, DEED BK: 3447 PG: 1341 DOCTYPE: 001 02/25/2010 at 09:56:27 AM, 1 OF 3, EXEMPT, BALLERY V. SKIPPER, HORRY COUNTY, SC REGISTRAR OF DEEDS

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

QUITCLAIM DEED

TO ALL WHOM THESE PRESENTS MAY COME:

KNOW ALL MEN BY THESE PRESENTS, that BCFUND, LLC, hereinafter called Grantor, in consideration of the premises and also in consideration of the sum of Five and No/100s (\$5.00) Dollars, to the grantor in hand paid at and before the sealing of these presents by Tommy J. Bellamy, Grantee, the receipt of which is hereby acknowledged, has remised, released and forever quitclaimed, and by these presents does remise, release and forever quitclaim, unto Grantee, to-wit:

All of Grantor's interest in that certain piece, parcel or lot of land situate, lying and being in Little River Township, County of Horry, State of South Carolina, being more particularly shown and designated on the west side of Sea Mountain Highway near Nixon's Crossroads, containing 3.39 acres more or less. Starting at a stake on the corner of Sea Mountain Highway and bounded on the South by Tract A owned by Sheila B. Goff, on the West by North Pointe Development, on the North by Tract C owned by BCFUND, LLC on the East by Sea Mountain Highway

This being the identical property conveyed to Grantor by deed of Tommy J. Bellamy, dated October 4, 2007, and recorded in the Register of Deeds for Horry County on October 9, 2007, in Deed Book 3282 at Page 2931.

Tax Map #  130-00-01-220

Grantee's Address Tommy J. Bellamy
3684 Sea Mountain Highway
Little River, SC 29566

TOGETHER WITH all and singular the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said Grantee and the grantee's heirs, successors and assigns forever, so that neither the said Grantor, nor Grantor's successors, nor any other person or persons claiming under Grantor, shall at any time hereafter by any way or means have, claim, or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

Instrument#: 2010000023935, DEED BK: 3448 PG: 3342 DOCTYPE: 001 03/04/2010 at 02:00:59 PM, 2 OF 3, EXEMPT, BALLERY V. SKIPPER, HORRY COUNTY, SC REGISTRAR OF DEEDS

WITNESS the grantor's hand and seal this 10th day of February, 2010

BCFUND, LLC

William O. Smith (SEAL)
By: William O. Smith
Its: OWNER

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Deanne L. Smith

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

PROBATE

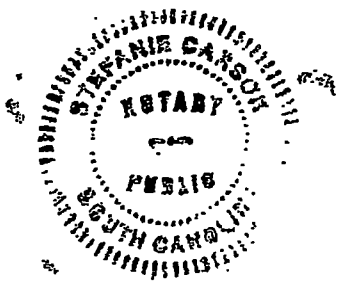
PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw William Smith, as Member of BCFUND, LLC, sign, seal and as his act and deed deliver the within written Quitclaim Deed; and that (s)he with the other witness whose signature appears above witnessed the execution thereof.

Deanne L. Smith

Sworn to, and subscribed before me
this 10th day of February, 2010

Stefanie Carson
Notary Public for South Carolina

My Commission Expires: May 27, 2018



STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred is located at 3684 Sea Mountain Highway, Little River, South Carolina bearing Horry County Tax Map Number 130001220, was transferred on February 8, 2010 by BCFUND, LLC

to Tommy J. Bellamy

- 3. Check one of the following: The deed is
 - (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) exempt from the deed recording fee because (See Information section of affidavit); transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A)

(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes or No

- 4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____
 - (b) The fee is computed on the fair market value of the realty which is _____
 - (c) The fee is computed on the fair market value of the realty as established for property tax purposes which is _____

5. Check Yes or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____ Recorded in Book _____ Page _____

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: _____
- (b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
- (c) Subtract line 6(b) from Line 6(a) and place result here: _____

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: _____

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Managing Member of the Grantor

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this 10th

Day of February year of 2010

Notary Public for South Carolina My Commission Expires

My Commission Expires May 27, 2018

Responsible Person Connected with the Transaction
William D. Smith
 Print or type the above name here

TOMMY BELLAMY

Appellant

NOTICE OF INTENT TO APPEAL AND
REQUEST FOR A CONTESTED CASE HEARING WITH
ADMINISTRATIVE LAW JUDGE

Vs

HORRY CO. ASSESSORS OFFICE

Respondent

In accordance with rules and procedures for the Administrative Law Judge effective April 27, 2014, II. Contested cases: Simplification of procedures: The Administrative Law Judge may limit the pre-hearing procedures and simplify the pre-hearing exchange of materials and otherwise take such reasonable measures so that the burdens of procedures do not unfairly present the presentation of facts.

Mr. Tommy J Bellamy, attorney Pro se, request that the honorable Administrative Law Judges review the case and limit the pre-hearing procedures if they are unnecessary to a full development of the case. Further request the Administrative law judge, through the scheduling conference, which can be held by telephone conference, can consider the comments of the parties and then issue an appropriate order defining the pre-hearing procedures.

Tommy J. Bellamy, attorney Pro se, requests to file a hearing, with the Horry County Clerk of the Court. Filing fee is accompanied as provided in Rule 71.

This case is filed and served within thirty (30) days after the decision made by Horry County Assessor's Office on September 4, 2015 and received by Tommy J. Bellamy on September 8, 2015.

1. Tommy J. Bellamy, address is 3684 Sea Mountain Highway Little River, South Carolina, 29566, email address is lindalbnichols@gmail.com.
2. The caption of information sufficient to identify the decision or determination which is subject of the hearing is as follows:
 - A. **Horry county Property Tax Penalty Appeals Board:** Ordered, date of hearing March 31, 2015. Taxpayer's request is denied. (**Exhibit 1 denied appeal**)
 - B. **Horry County Board of Assessment Appeals:** After deliberation the Board voted to uphold the Penalty Appeals Board. September 4, 2015 (**Exhibit 2 second denial of appeal**)
3. Property was transferred by Tommy Bellamy for \$5.00 for investment purposes to organize a partnership and form BC Fund LLC, property was still owned by Tommy Bellamy. The LLC was never created or established with Secretary of State in South Carolina. The LLC partner had the tax department to change the address for tax notice on record. (**Exhibit 3Quit Claim Deed October 2007 to LLC**)
4. This claim was based on the fact that there was a gross error in tax assessment of five times as much as the usual Tax assessment. The Assessor's Office increased the taxes by grossly reassessing the property with more value than worth and made it impossible for Tommy Bellamy to pay the taxes (**Exhibit 4 government tax information, see current fair market value 683,000.00**)
5. Tommy Bellamy, TMS# 130-00-01-220 in tax year 2008 and 2009. (**Exhibit 5 Delinquent tax record**)
6. The property was transferred back in to Tommy Bellamy's name for \$5.00 after Tommy Bellamy relinquished the LLC partnership established for investment purposes. The partner misused the LLC with fraudulent intent to invade paying taxes with intent to buy property at auction for unpaid taxes. (**Exhibit 6 Quit Claim Deed 2010 to Tommy Bellamy on February 2010**)
7. Property was appealed by Tommy Bellamy in March of 2010.(**Exhibit 7 Tommy Bellamy's Request for appeal March 2010**)

8. The property was appealed by Tommy Bellamy's, Attorney Mark Brunty in March 2010. (**Exhibit 8 Attorney Mark Brunty's Tax Appeal March 2010**)
9. Horry County Government & Justice Center Exhibit List (**Exhibit 9, see exhibit list number 21, Email from Mark Brunty to Horry County Tax Assessor, Arrigo Carotti dated October 20, 2010**)
10. Horry County Tax Assessor continued to deny the appeals. Tax Assessor finally approved reassessment of property (**Exhibit 10, Real Estate Notice of reassessment of property October 2010**) Tax Assessor denied refund.
11. Tommy Bellamy redeemed the property brought at auction (**Exhibit 11, Delinquent tax department and redemption form see cashier's check from Tommy Bellamy for \$30,754.53 paid on December 2010**)
12. Final appeal to Horry County Board of Assessment Appeals on May 12 2015 (**Exhibit 12 final appeal**)

The Horry County Tax Assessor's office was in violation of section 12-39-250. Duty to correct assessment s and other errors; duplicates; manner of effecting corrections; adjustments in valuation and section 12-54-85 Time limitation for assessment of taxes or fees exceptions(c) Taxes may be determined after the thirty six month limitation if: (1) There is fraudulent intent to evade taxes.

I pray that the honorable, Administrative Law Judge review this case, correct this injustice and refund the amount due to me as a result of error in assessment of my property.

Tommy Bellamy

I Linda B Nichols signs this true statement in front of notary to serve a copy of this appeal on each party and the affected agency or county official as addresses below, in accordance with rule 5, Proof of serve, certified by United States postal service or served in person this date, October 5, 2015

Linda Nichols

Linda B. Nichols

Horry County Government & Justice Center
Horry County Assessor's Office
1301 Second Avenue
Conway, S.C. 29566

0/29/14 Elizabeth H. Hurd

Tommy J Bellamy
3684 Sea Mountain Highway
Little River, S.C. 29566

My Commission Expires
August 12, 2021

Linda B. Nichols
3658 Sea Mountain Highway
Little River, S.C. 29566



Sheila Goff
3682 Sea Mountain Highway
Little River, S.C. 29566

Bobby J Bellamy
3684B Sea Mountain Highway
Little River, S.C. 29566



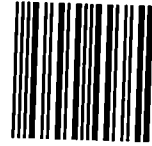
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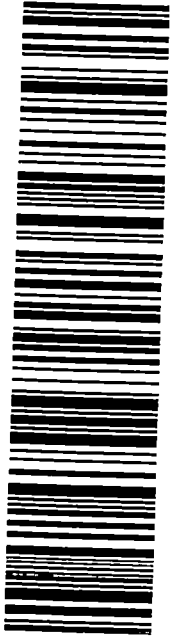


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FROM:

Tommy J Bellamy
3684 Sea Mountain Hwy
Little River, SC 29566

RECEIVED

AUG 31 2016

SC Court of Appeals

TO:

SC Court of Appeals
Clerk Jenny Abbott Kitching
P.O. Box 11629
Columbia, SC

29211

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