

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

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

RECEIVED  
DEC 08 2016  
SC Court of Appeals

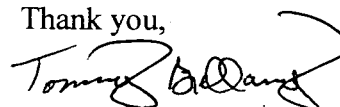
Dear Ms. Kitchings:

Please find 6 copies of the Motion for Rehearing and Remittitur and a check for \$25.00. On December 3, 2016. The Appellant, Tommy Bellamy received two Orders that appears to be Orders without State Seal and return address (see enclosed). One order was allegedly sent on October 25, 2016 that grants Appellant's Motion to Amend the Record on Appeal. The Appellant did not receive that Order. The Order states that the court construe the Appellant's **Motion to Approve Amended Record on Appeal** already filed on July 25, 2016 with Exhibits with **Motion to Amend Record on Appeal**. There was a letter mailed to Ms. Kitchings that should have clarified the motion. The Appellant Tommy Bellamy was eagerly waiting and checking the mail daily for an answer to the Motion to Approve Amended Record on File. There was no mail received from your office sent to Appellant's address on or around October 25, 2016. The Amended Record on Appeal was filed on July 25, 2016 and includes all pages received from Dana B. Fogner (Horry County Assistant Assessor) to Tommy Bellamy dated October 8, 2014(see Respondent's Exhibit List page 56 and 57) and the letter from Tommy Bellamy, BC Fund, LLC to Horry County's Assessor's Office dated March 3, 2010 (see Appellants Exhibit 7 page 15-17). On December 3, 2016 another Order dated November 29, 2016 was sent that dismissed the case for failure to file an Amended Record on Appeal.

The Appellant, Tommy Bellamy filed an Amended Record on Appeal on July 25, 2016.

Please do not dismiss this case on a misunderstanding of a simple technicality.

Thank you,

  
Tommy Bellamy

cc: Emma Ruth Brittain

cc: Arrigo P Carotti, Attorneys at law

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DEC 08 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Case No. 2015-002255

Tommy J. Bellamy-----, Appellant

v.

Horry County Assessor-----, Respondent

**MOTION FOR REHEARING AND REMITTITUR**

December 4, 2016

Appellant, Tommy J. Bellamy moves the court for an Order to Petition for Rehearing and Remittitur for: **MOTION TO SUBSTITUTE RESPONDENT'S EXHIBIT NUMBER TWO PAGE 39 AND MOTION TO APPROVE AMENDED RECORD ON APPEAL ON FILE UNDER RULE 240, SCACR.** Dated August 20, 2016. In accordance with rule 221 Rehearing and Remittitur, Appellant Tommy J. Bellamy, Petitions this Honorable South Carolina Court of Appeals for Rehearing and Remittitur due to the Courts construe the Appellants Motion to Approve the Amended Record of Appeal filed on July 25, 2016 as a Motion to Amend the Record on Appeal.

The petition is filed this December 5, 2016 by the Appellant, Tommy J. Bellamy within fifteen (15) days after the filing of the opinion on November 29, 2016, order, judgment, or decree of the court. The petition for rehearing is in accordance with Rule 240, and state with particularity the points supposed to have been overlooked or misapprehended by the court.

The grounds of rehearing and Remittitur comply with the requirements of Rule 267 are as follows:

1. The Appellant did not receive the Order to file an Amended Record on Appeal as construed by court on October 25, 2016. The Order was received December 3, 2016.
2. The motion from the Appellant, Tommy Bellamy on August 20, 2016 clearly states **Motion to Approve Amended Record on File** already submitted on July 25, 2016 with Exhibits.
3. The Amended Record on Appeal filed on July 25, 2016 includes all pages received from Dana B. Fogner (Horry County Assistant Assessor) to Tommy Bellamy dated October 8, 2014(see Respondent's Exhibit List page 56 and 57)
4. The Amended Record on Appeal filed on July 25, 2016 includes all pages of letter received from Tommy Bellamy, BC Fund, LLC to Horry County's Assessor's Office dated March 3, 2010 (see Appellants Exhibit 7 page 15-17).



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Tommy J. Bellamy Attorney Pro se  
3684 Sea Mountain Highway  
Little River, South Carolina 29566  
Telephone Number 843 457-3625  
Attorney for Appellant

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Case No. 2015-002255

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SC Court of Appeals


Tommy J. Bellamy-----, Appellant

v.

Horry County Assessor-----, Respondent

PROOF OF SERVICE

I Tommy J. Bellamy certify that I have served the Motion for Rehearing and Remittitur this date: December 5, 2016 by depositing a copy in the United States mail with return receipt addressed to the following Attorneys below:



Tommy Bellamy  
3684 Sea Mountain Highway,  
Little River

Emma Britain  
Attorney at Law  
1314 Professional Drive,  
Myrtle Beach, South Carolina, 29577

Arrigo P. Carotti  
Horry County Attorney  
Post Office Box 1236  
Conway, South Carolina 29566

# The South Carolina Court of Appeals

Tommy J. Bellamy, Appellant,

v.

Horry County Assessor, Respondent.

Appellate Case No. 2015-002255

The Honorable Harold W. Funderburk, Jr.  
Trial Court Case No. 2015ALJ170462CC

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## ORDER

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Appellant has failed to serve and file an amended record on appeal, as required by Rule 210 of the South Carolina Appellate Court Rules, and the order of this Court dated October 25, 2016. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

**FILED**

11-29-16

cc:

Tommy J. Bellamy

Arrigo Paul Carotti, Esquire

Emma Ruth Brittain, Esquire

Jana E. Shealy

# The South Carolina Court of Appeals

Tommy J. Bellamy, Appellant,

v.

Horry County Assessor, Respondent.

Appellate Case No. 2015-002255

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## ORDER

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We grant Appellant's motions to substitute and amend the record on appeal which we construe as a motion to amend the record on appeal. Within ten days, Appellant is to serve and file an amended record on appeal reflecting the requested substitutions. The record on appeal should also include all pages of the Letter from Dana B. Fogner (Horry County Assistant Assessor) to Tommy Bellamy dated October 8, 2014, and the Letter from Tommy Bellamy, BC Fund, LLC to Horry County's Assessor's Office dated March 3, 2010.

 J.  
FOR THE COURT

Columbia, South Carolina

cc:

Tommy J. Bellamy  
Arrigo Paul Carotti, Esquire  
Emma Ruth Brittain, Esquire

**FILED**

October 25, 2016