

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Case No.2015-002255

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MAR 08 2017
SC Court of Appeals

Tommy J. Bellamy-----Appellant

v.

Horry County Assessor-----Respondent

APPELLANT'S RETURN TO THE MOTION

**MOTION TO DISMISS APPEAL FOR FAILURE TO COMPLY WITH
THE SOUTH CAROLINA APPELLATE COURT RULE**

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Attorneys for Respondent

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To the Honorable South Carolina Court of Appeals, the Appellant, Tommy J. Bellamy, Return to the Motion on the Respondent's Motion to Dismiss Appeal for failure to comply with the South Carolina Appellate Court Rules.

The Respondent's Motion to Dismiss was improperly filed on the grounds as follows:

The Appellant has included all items designated by Respondent's counsel for inclusion in the Second Amended Record on Appeal. These items were not included in the Original Record on Appeal. All items designated by Respondent's counsel for inclusion in the Record on Appeal is included in the Second Amended Record on Appeal.

As background, Appellant filed the Original Record on Appeal prior to Respondent's Attorney's Designation of Matter on May 6, 2016 and requested sixteen items to be designated on Record on Appeal. According to the Respondent, the Original Record on Appeal included seven of the sixteen items designated by the Respondent. A list of missing documents were provided by the Respondent that were either incomplete or omitted from the **Original Record on Appeal**.

Appellant filed an **Amended Record on Appeal** on July 25, 2016, The Appellant filed an Amended Record on Appeal and furnished the Respondent with a copy that included **paginated exhibits** of the sixteen items that were either incomplete or omitted from the **Original Record on Appeal**.

Appellant did not receive the October 25, 2016 Order granting the motion to substitute and Amend the Record on Appeal.

The Appellant included and revised the exhibits that were not designated in the **Original Record on Appeal**. The **Amended Record on Appeal** included all items that were designated by the Respondent that were omitted and incomplete. These items were included in the exhibits of the **Amended Record on Appeal** and on the **Second Amended Record on Appeal**.

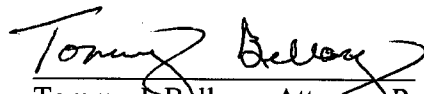
The Appellant has filed **all** designated documents in his possession, these documents include sixteen **complete** items designated by the Respondent's counsel and these same items are included in the exhibits of Appellant's **Second Record on Appeal**.

The Appellant filed a corrected **Amended Record on File**. The **Second Amended Record on Appeal** was filed on February 9, 2017 in accordance with Rule 210(c), all items have been included from the Respondent's Designation of Matter. The Second Amended Record on File has supplemented complete items as ordered by the Court. The Second Amended Record on Appeal included all matters designated to be included by any party under Rule 209 and comply with the requirements of Rule 267. The Appellant has complied with the South Carolina Appellant Court Rules. The Appellant has not asked the court to place substitutions in the Second Amended Record on Appeal. Appellant made the required substitutions in the Second Amended Record on Appeal.

As pro se litigant, Appellant has complied with substantive and procedural requirements of the law. Appellant has complied with Rule 210(g) and shall certify that the Record on Appeal contain all material proposed to be included by any of the parties and not any other materials.

The Respondent has been mailed copies US mail with return receipt of the **Original Record on Appeal** and the **Second Amended Record on Appeal**. The difference is clear, the Original Record on file did not included the required documentation. The Second Amended Record on Appeal includes all required documentation.

The Respondent has alleged conflicting documentation to confuse and delay the proceedings. The Final Brief of Appellant was submitted February 28, 2017.


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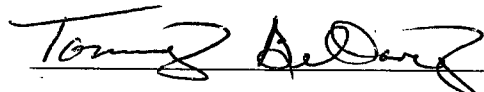
Tommy J. Bellamy-----Appellant

v.

Horry County Assessor-----Respondent

PROOF OF SERVICE

The undersigned hereby certifies that this Amended Record on Appeals will be served to the Respondent's Attorney addressed below by depositing a copy of it in the United States mail certified with return receipt this date March 6, 2017.



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