

THE STATE OF SOUTH CAROLINA
In The Supreme Court
APPEAL FROM HORRY COUNTY
Court of Common Pleas
Honorable H.W. Funderburk Jr. Administrative Law Judge

RECEIVED

SEP 06 2017

S.C. SUPREME COURT

Case No. 2017-001631

Tommy J. Bellamy-----Petitioner

Horry County Assessor-----Respondent,

PETITIONER TOMMY J. BELLAMY REPLY TO RESPONDENT'S RETURN TO HORRY COUNTY ASSESSOR'S MOTION TO DISMISS PETITIONER'S PETITION FOR WRIT OF CERTIORARI

Petitioner Tommy J. Bellamy replies to the Respondent Return to the Horry County Assessor's motion to dismiss the Petitioner for Writ of Certiorari. The Respondent alleges that this Court find that Petitioner's deficiencies contained in the Record on Appeal constitutes grounds for dismissal.

Petitioner was not deficient in the Second Amended Record on Appeal and or Supplemental Record on Appeal served and filed in a timely manner on May 8, 2017. The Respondent failed to accept two of the sixteen documents that the Petitioner submitted that is found in the Supplemental Record on Appeal. According to the Respondent one document was unknown to the files of the Horry County Assessor's office and the second document submitted by the Petitioner the Respondent requests an additional page after the closing page.

The Respondent provides no proof that these items found in the Supplemental Record on Appeal is deficient to the Court of Appeals. The Appellant Court did not dismiss the Petitioner's case for procedural reasons. The Petitioner provided all documents in his possession that the Respondent requested in the Initial Brief and Designation of Matter that was filed on May 6,

2016. The Appellant Court ordered the Respondent to serve and file the Initial Brief and Designation of Matter. The court ordered an extension of time as requested by the Respondent for serving and filing the Respondent's Initial Brief and Designation of Matter until April 21, 2016. Contrary to the Court of Appeals Order, the Respondent served the Initial Brief and Designation of Matter out of time on May 6, 2016 (*see enclosed order*).

The Petitioners has proven exhaustion of all administrative remedies. Respondent Horry County Assessor's actions were Arbitrary and Capricious when assessing the Petitioner's property, had no basis or foundation in accordance to the South Carolina Board of Assessors regulations, the excessive assessment was reckless and harmful to the Petitioner. There exist no evidence supported by statue that supports the fact that the Horry County Assessor's procedure of assessment of different taxes on the citizens of Horry County property holders in the same tax area with similar circumstances shows merit. There is no substantial evidence for cause of the agencies decision to reassess the Petitioner's property to pay less than \$500.00 for tax year 2015 and tax Petitioner over \$30,000 to redeem property for 2008 tax year. The tax paid on the difference between the assessments as entered and that determined after final review must be refunded together with interest determined in accordance with section 12-54-25. The Horry County Assessor presented no refund to the Petitioner.

The Petitioner's Petition for Writ of Certiorari and Appendix has been served and filed with the South Carolina Supreme Court and to the Respondent's Attorney on file. The Petition contains all of the documents required by Rule 242 (e) and meet the requirements of Rule (d), SCACR, *State v Burton* ("A *pro se* litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law"). The Horry County Assessors, Attorney on file must comply with substantive and procedure requirements as well.

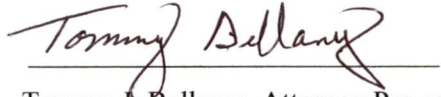
The Appellant Court found that the Petitioners hands were tied to produce documents that the Petitioner had already produced, but the Respondent alleged were not true documents.

I pray that this Honorable South Carolina Supreme Court will request that the Respondent produce the documents that are alleged to be deficient in the Petitioner's Supplemental Record on Appeal and hold the Horry County Assessor's responsible to comply with the Statues and Rules of the State of South Carolina. The Citizens of Horry County deserve

to be treated with respect. Horry County Assessor's must comply to the regulations of this state and apply the same rules and regulations to all property holders.

Based on the above, Petitioner respectfully requests that this Honorable Court deny the Respondents Motion to Dismiss the Petitioner for Writ of Certiorari.

Respectfully submitted,

A handwritten signature in cursive script, reading "Tommy Bellamy", written over a horizontal line.

Tommy J. Bellamy, Attorney Pro se

3684 Sea Mountain Highway

Little River, South Carolina, 29566

843 457-3625

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

ORDER


The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until April 21, 2016.

FOR THE COURT

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina

FILED

H-12-16 

cc:

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

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Honorable H.W. Funderburk Jr. Administrative Law Judge

RECEIVED

SEP 06 2017

S.C. SUPREME COURT

Case No. 2017-001631

Tommy J. Bellamy-----Petitioner

Horry County Assessor-----Respondent,

PROOF OF SERVICE

I certify that I have served the Reply to Respondent's return to Horry County Assessors motion to dismiss Petitioner's Petition for Writ of Certiorari by depositing a copy of it in the United States mail, postage prepaid, on September 2, 2017, addressed to Horry County Attorneys on record.



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

Emma Ruth Brittain, Esquire
Thomas & Brittian, P.A.
4712 Jenn Drive, Suite B
Myrtle Beach, South Carolina, 29578
843 692-2628

Arrigo P. Carrotti, Esquire
Horry County Attorney
P.O. 1236
Conway, South Carolina 29528