

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORY COUNTY

Court of Master-In-Equity

Judge Cynthia Howe, Master-In-Equity

Appellate Case No. 2018-001523

M&T Bank, Respondent,

v.

Tyrone Davis; Bobby J. Bellamy; BC  
Fund and Management, LLC d/b/a BC  
Fund, LLC and United States of America, Defendants,

Of which Bobby J. Bellamy is the Appellant,

And

Tyrone Davis; BC Fund and Management, LLC d/b/a BC  
Fund, LLC are Respondents,

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OCT 26 2018

**SC Court of Appeals**

And

Bobby J. Bellamy, Appellant

v.

William O. Smith, Respondent

**APPELLANT, MOTION TO RELIEVE COUNSEL ON RECORD, MOTION TO  
RELIEVE ANY UNSERVED COUNSEL AND MOTION TO PROCEED.**

**October 25, 2018**

Pursuant to Rule 240, SCACR, appellant, Bobby J. Bellamy, motion to proceed as pro se and move within the required 10 days to relieve counsel on record in order to move forward in this matter. The appellant motion to relieve counsel on record, HOWELL V. BELLAMY JR. AND HOWELL V BELLAMY III on alleged grounds of hybrid representation and further moves the court for an order to relieve unserved counsel, MATHEW TILMAN.

1. There is no written or verbal agreement with counsel on record giving counsel authority to represent the appellant in an appeal to the South Carolina Court of Appeals for appellant Bobby J. Bellamy. A miscommunication of counsel on record, caused counsel to file a motion on behalf of the appellant to South Carolina Court of Appeals to extend the time of filing Notice of Appeal. The Notice of Appeal was already filed on August 15, 2018 by pro se, Bobby J. Bellamy, within the required 30 days after receipt of the order denying motion to reconsider filed on July 23, 2018.

2. There is no written documents filed by appellants counsel on record with the consent of the appellant to the South Carolina Court of Appeals on behalf of the appellant, Bobby J. Bellamy or verbal legal advice given by the counsel on record to constitute partial pro se and partial counsel causing hybrid representation.

3. The Master-in-Equity case, M&T Bank vs Bobby J. Bellamy lasted from February 2011 until July 2018. The case caused the defendant, Bobby J. Bellamy stress and financial hardship resulting from tactics from the respondents, causing sheriff's office to illegally force the appellant out of his permanent residence in 2011. Further, the case caused financial hardships that include costly depositions, costly expert witnesses, costly attorneys and other fees. The Master-in-Equity finally ruled against the defendant, Bobby J. Bellamy on July 23, 2018 after seven years of pleading and tactics from the plaintiff's attorneys.

4. Bobby J. Bellamy received final order from Master-in Equity Court, Judge Cynthia Howe on July 23, 2018. The Notice of Appeal was filed and a copy was filed in the office of the circuit court on August 15, 2018 **a copy was served on all parties to the appeal** including parties in default within 30 days after receipt of written order of the Master-in-Equity Court.

5. On August 23, 2018, the appellant, within the required ten days after the date of service on August 15, 2018 of the Notice of Appeal, made satisfactory arrangements with the court reporter for furnishing the transcript.

6. On August 28, 2018, within the required thirty days after filing of written Notice of Appeal, the appellant filed Initial Brief and filed a copy with the clerk of the circuit court an Initial Brief, statements of issues on appeal (in a format described in Rule 208(b) (1) (B),

SCACR) with proof of service and a copy served on all parties. The appellant **served on all parties to the appeal** a Designation of Matter to be Included in the Record on Appeal (in a format described in Rule 209, SCACR) and filed a copy with the clerk of the circuit court one copy of the Designation of Matter to be Included in the Record on Appeal with proof of service. At the same time the appellant served his Designation of Matter to be Included in the Record on Appeal, the appellant served one copy of his initial brief on **all parties to the appeal**, and file with the clerk of the circuit court one copy of the brief with proof of service. The appellant's Initial Brief was in a format described in Rule 208(b) (1), SCACR.

7. The respondent failed to respond as required, within thirty days after service of the appellant's brief and failed to serve one copy of his brief on all parties to the appeal, and failed to file with the clerk of the circuit court one copy of the brief with proof of service.

8. On September 25, 2015, within thirty days after **no service** of the respondent's brief, the appellant served a copy of the Record on Appeal (in a format described in subsections (c), (e), (f) and (g) of Rule 210, SCACR, and the requirements of Rule 267, SCACR) on **all parties to the appeal** who was served a brief and filed a copy with the clerk of the circuit court one copy of the Record on Appeal with proof of service.

9. On October 12, 2018 the appellant filed a Final brief to comply with the SCACR Rule 211(b) and Rule 262 and 267.

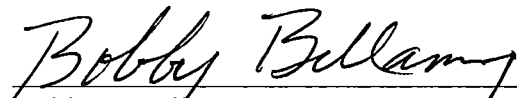
No other party, other than the parties served in this matter should be required to comply with any requirements of the South Carolina Appellate Court Rules.

Now comes, the respondent, (out of time )with additional counsel, Matthew Tillman Esquire, after appellant has already filed required documents within the required time limit as required by South Carolina Appellant Court and has already served four additional attorneys of the respondents with no reply from any of the respondent's attorneys to the court in this matter. Appellant has not filed frivolous documents. After seven years of tactics, the respondent is preparing to continue with tricks of law and technicalities to stall the South Carolina Court of Appeals.

I pray that the South Carolina Court of Appeals will order appellant to proceed as pro se in this matter, relieve unserved counsel for respondent, Mathew Tillman, and relieve counsel on record for the appellant, Howell V. Bellamy Jr. And Howell V Bellamy, III.

Then, hear the case and determine the appeal according to the Rules of Law and Statue of the South Carolina Court of Appeals.

Date: October 25, 2018

A handwritten signature in cursive script that reads "Bobby Bellamy". The signature is written in black ink and is positioned above a horizontal line.

Bobby J. Bellamy, Attorney Pro se

3664 Sea Mountain Highway,  
Little River, S.C. 29566 843 457-3625

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In the Court of Appeals

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Judge Cynthia Howe, Master-In-Equity

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Of which Bobby J. Bellamy is the Appellant,

And

Tyrone Davis; BC Fund and Management, LLC d/b/a BC  
Fund, LLC are Respondents,

---

And

Bobby J. Bellamy, Appellant

v.

William O. Smith, Respondent

**PROOF OF SERVICE**

I certify that I have served the Appellant's **Motion to Relieve counsel on record, Motion to Relieve unserved counsel and Motion to proceed** on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on October 25, 2018 addresses to his attorney of record, Cliff Moore, III Adams and Reese LLP, 1501 Main Street 5<sup>th</sup> Floor, Columbia, S.C. 29201.

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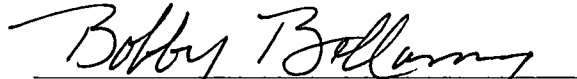
SC Court of Appeals

I certify that I have served the Appellant's **Motion to Relieve counsel on record, Motion to Relieve unserved counsel and Motion to proceed** on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on October 25, 2018 addresses to his attorney of record, John B. Kelchner, Hutchens Law Firm P.O. Box 8237, Columbia, S.C. 29202.

I certify that I have served the Appellant's **Motion to Relieve counsel on record, Motion to Relieve unserved counsel and Motion to proceed** on Tyrone Davis by depositing a copy of it in the United States Mail, postage prepaid, on October 25, 2018 addresses to his attorney of record, Daniel J. Orvin, Womble Bond Dickson LLP, 5 Exchange St. Charleston, S.C. 29401

I certify that I have served the Appellant's **Motion to Relieve counsel on record, Motion to Relieve unserved counsel and Motion to proceed** on Scott Umstead, William O. Smith, BC Fund and Management LLC DBA BC Fund LLC. By depositing a copy of it in the United States Mail, postage prepaid, on October 25, 2018 addressed to attorney Scott Umstead 4226 Mayfair St. #100 Myrtle Beach, S.C. 29577.

October 25, 2018

  
Bobby J. Bellamy, Attorney Pro se  
3664 Sea Mountain Highway,  
Little River, S.C. 29566 843 457-3625

October 25, 2018

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

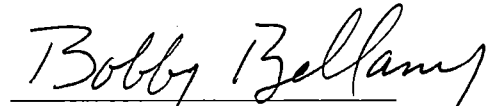
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RE: M&T Bank etal, Respondent vs Bobby J. Bellamy, Appellant case no. 2018-001523.

Dear Ms. Kitchings:

Enclosed for filing is appellant, MOTION TO RELIEVE COUNSEL ON RECORD, MOTION TO RELIEVE ANY UNSERVED COUNSEL AND MOTION TO PROCEED, six copies of motion and a money order for \$50.00 is enclosed.

Sincerely,



Bobby J. Bellamy, **Pro se Appellant**  
3664 Sea Mountain Highway,  
Little River, South Carolina 29566  
843 457- 3625

**Attorney for Respondent**

Cliff Moore, III Adams and Reese LLP  
1501 Main Street 5<sup>th</sup> Floor  
Columbia S.C 29201 803 254-4190

John B. Kelchner  
Hutchens Law Firm  
P.O. Box 8237  
Columbia, SC 29202 803 726-2700

Daniel J Orvin  
Womble Bond Dickson LLP  
5 exchange Street  
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843 772-3400

Bobby J. Bellamy  
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29566



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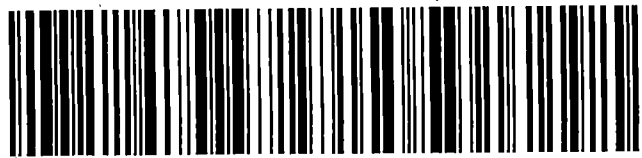
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