

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FORM HORRY COUNTY
Court of Common Pleas
Judge Cynthia Howe, Master-In-Equity
Ralph P. Stroman, Special Referee for Horry County
Case No: 2019-001682

RECEIVED

DEC 18 2019

SC Court of Appeals

Leticia LLC, Movant

M&T Bank, Plaintiff

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 _____

M&T Bank; Tyrone Davis; BC Fund and Management, LLC DBA BC Fund LLC

and William O. Smith, Respondents

v.

Bobby J. Bellamy

Appellant

REPLY TO M&T BANK'S MOTION TO DISMISS

COME NOW Appellant, Bobby J. Bellamy, Pro se, makes the following reply in opposition to the Respondent's Motion to Dismiss. The Master in Equity's Report on Sale and Disbursement on September 4, 2019, Pursuant to Order of Court was held without notice and advertisement as per statue, the Master in Equity authorized the sale of property belonging to Bobby Bellamy. The property was sold, on sale day, September 4, 2019 to Leticia the highest

bidder on that day without 30 day upset bid or allowance for appraisal. Writ of Assistance authorized on September 9, 2019. The Sheriff office served short order written notice of entry of this notice on October 3, 2019 and final complete order of written notice on October 22, 2019 at 8:00 am, *as enclosed*.

(1) The original Notice of Appeal was filed on October 8, 2019, the Amended Notice of Appeal was filed on October 17, 2019. The transcript letter was filed on November 18, 2019. The Appellant's Initial Brief was mailed on December 16, 2019. Pursuant to Rule 203(b) (1). **(1) Appeals from the Court of Common Pleas.** A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a timely motion for judgment n.o.v. (Rule 50, SCRCP), motion to alter or **amend** the judgment (Rules 52 and 59, SCRCP), or a motion for a new trial (Rule 59, SCRCP) has been made, **the time for appeal for all parties shall be stayed** and shall run from receipt of written notice of entry of the order granting or denying such motion.

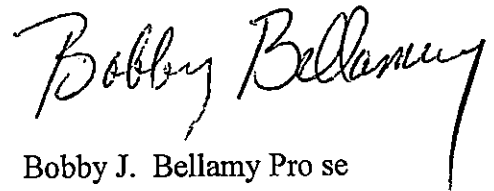
When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment, **(4) Appeals from Masters and Special Referees.** The notice of appeal from an order or judgment issued by a master or special referee shall be served in the same manner as provided by Rule 203(b) (1).

(2) Appellant does not challenge Leticia LLC for the sale and the deed, although they were listed as movant in this action, only the defendant's listed are party to this appeal. Leticia LLC was the highest bidder at a public auction. If Leticia LLC is to be named Respondent, then Appellant would need to make all that was involved with the bidding a Respondent. The Respondent M&T Bank seems confused as to the issued in this case and seems to be reaching for any matter that would cause this court to dismiss.

(3) The Appellant has served Respondent's counsel by United States mail with copy of letter with notice that Appellant has received the transcripts. The transcripts cost the Appellant over \$6000.00 dollars. The letter was filed on SC Courts website on November 18, 2019 *as enclosed*. In prior Appeal, Respondents has failed to serve Appellant. The Appellant has changed his mailing address to a P.O. Box that is filed with the Court of Appeals, hopefully this change will be beneficial in receiving filings in a timely manner. The Appellant intent is not to abused the

Appellate process, the lower court's orders has already been enforced, rather the Appellant is persistent in receiving justice from the SC Court of Appeals. The Appellant requests that the Defendant's Motion to Dismiss be denied.

Respectfully submitted

A handwritten signature in black ink that reads "Bobby Bellamy". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Bobby J. Bellamy Pro se

P.O. Box 1674


Little River, S.C. 29566

addressed to his attorney of record, **John B. Kelchner, Hutchens Law Firm P.O. Box 8237, Columbia, S. C. 29202**

The Undersigned certify that I have served the Reply to Motion to Dismiss on Tyrone Davis by depositing a copy of it in the United States Mail, postage prepaid, on December 16, 2019 addressed to his attorney of record, **Daniel J. Orvin, Womble Bond Dickson LLP, 5 Exchange St. Charleston, S.C. 29401**

The Undersigned certify that I have served the Reply to Motion to Dismiss on BC Fund and Management LLC D/B/A BC Fund LLC by depositing a copy of it in the United States Mail, postage prepaid, on December 16, 2019 addressed to his attorney of record, **Scott Umstead 4226 Mayfair St. #100 Myrtle Beach, S.C. 29577.**

December 16, 2019



Bobby J. Bellamy

P.O. Box 1674

Little River, S.C. 29566

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Re: M&T Bank vs Tyrone Davis et al.

Appellant Case: 2019 001682

Dear Ms. Kitchings:

I have received the final transcripts in the above matter on November 14, 2019 from Garber Reporting Service, Certified Court Reporters P.O. Box 12348 Columbia S. C. 229211. Transcripts of the trial proceedings is for February 2016 and April 2016. I have notified the Court administrator and cc: counsel in this case.

Please let me know when this case can move forward.

November 15, 2019

Sincerely,



Bobby J. Bellamy Pro se
P.O. Box 1674
Little River, South Carolina 29566
843 457-3625

Cc:

Cliff Moore, III
Adams and Reese LLP
1501 Main Street 5th floor
Columbia, S.C. 29201 803 254-4190

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

Daniel Q. Orvin, Esq.
Matthew Tillman, Esq.
Womble Bond Dickson (US) LLP
5 exchange Street
Charleston, S.C. 29401 843 772-3400

Scott Umstead
4226 Mayfair St #100,
Myrtle Beach, SC 29577 843 913-4610

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NOV 18 2019

SC Court of Appeals



HORRY COUNTY SHERIFF'S OFFICE

Phillip E. Thompson, Sheriff

Post Office Box 380 • Horry County Judicial Complex • 1301 2nd Avenue • Conway, South Carolina 29528 0380
Office: (843) 915-5450 • Fax: (843) 915-6451 • www.HorryCounty.org

Real Property Seizure:

Date: 10/22/19

Case # 2011 CP 26 01809

Time: 8:00

Plaintiff: Leticia Defendant: Tyrone Davis Bobby Bellant

Property description: 3672 Sea Mt Hwy Little R. Ver
(Address)

TMS# 130-00-01-219
(if available)

By virtue of a court order in the above named case, the Horry County Sheriff places the successful bidder in possession of the real property described below. The receiving party undersigned accepts possession as the agent of the successful bidder, and further acknowledges that the property in this case has been placed in their possession in accordance with the requirements of the court order.

B. Strickland

Deputy Sheriff

[Signature]
Party receiving possession
(print name)

[Signature]
(signature)

Rowe Ventures Inc
Agency or Company name

Mary P. Jones, Esquire
SC. Court Administration
South Carolina Court of Appeals
1220 Senate Street Suite # 200
Columbia, South Carolina 29201

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NOV 18 2019
SC Court of Appeals

RE: M&T Bank vs Tyrone Davis et al.

Lower Court Case No. 2011CP2601809

Appellate Case: No. 2019-001682

Dear Court Administration:

I have received the final transcripts in the above matter on November 14, 2019. Transcripts of the trial proceedings for February 2016 and April 2016. Please let me know when this case can move forward.

November 15, 2019

Sincerely,

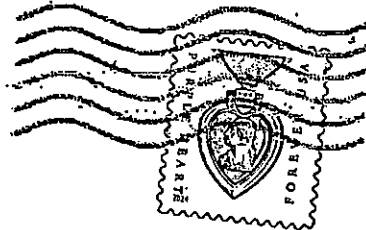


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843 457-3625

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29566

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SC Court of Appeals

SC Court of Appeals
Clerk: Jenny A Kitching
P.O. Box 11629
Columbia, SC. 29211

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APPEAL FORM HORRY COUNTY
Court of Common Pleas
Judge Cynthia Howe, Master-In-Equity
Ralph P. Stroman, Special Referee for Horry County
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and United States of America; Defendants

Of which _____

M&T Bank; Tyrone Davis; BC Fund and Management, LLC DBA BC Fund LLC
and William O. Smith, Respondents

v.

Bobby J. Bellamy Appellant

PROOF OF SERVICE

The Undersigned certify that I have served the Reply to Motion to Dismiss on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on December 16, 2019 addressed to his attorney of record, **Cliff Moore, III Adams and Reese LLP, 1501 Main Street 5th floor , Columbia, S.C. 29201.**

The Undersigned certify that I have served the Reply to Motion to Dismiss on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on December 16, 2019

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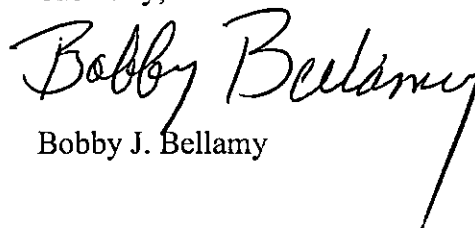
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Re: M&T Bank v. Tyrone Davis, et al Appellate Case No. 2019-001682

Dear Ms. Kitchings:

I have enclosed the Original and a copy of the Reply to M&T Bank Motion to Dismiss and served a copy to the Attorneys listed below by United States mail with Proof of Service, for filing in the above referenced case.

Sincerely,


Bobby J. Bellamy

cc:

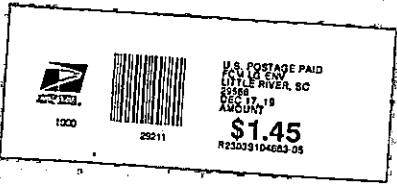
Cliff Moore, III, Esq.

John B. Kelchner Esq.

David Orvin, Esq

Scott Umstead, Esq.

Bobby Bellamy
P.O. Box 1674
Little River, SC
29564



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SC Court of Appeals
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29211

