

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Ralph P. Stroman, Special Referee

Appellate Case No. 2019-001682  
Trial Court Case No. 2011-CP-26-01809

**RECEIVED**

**May 15 2020**

**SC Court of Appeals**

Leticia, LLC, ..... Movant,

In Re:

M&T Bank, ..... Plaintiff,

v.

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

And

M&T Bank, ..... Respondent,

v.

Tyrone Davis, Bobby J. Bellamy, BC Fund and Management, LLC d/b/a BC Fund, LLC, .....  
..... Defendants,

Of whom 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.

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**M&T BANK'S MOTION TO CORRECT RECORD ON APPEAL**

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Respondent M&T Bank ("Respondent") challenges the Record on Appeal submitted by Appellant for the following reasons:

- (1) The Record on Appeal does not include items designated by Respondent in its Designation of Matter To Be Included In The Record on Appeal;
- (2) The Record on Appeal includes matters not presented to the Lower Court; and
- (3) The copy of one of the orders included in the Record on Appeal include editorial comments in the form of underlined and circled words.

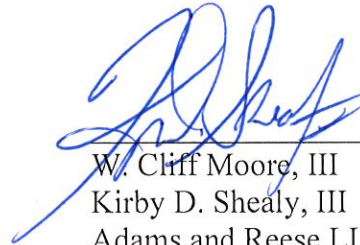
1. The Record on Appeal does not include items designated by Respondent in its Designation of Matter To Be Included In The Record on Appeal. The Respondent designated ten (10) items to be included in the Record on Appeal that Appellant failed to include. Specifically, items numbered 5, 6, 7, 8, 17, 20, 21, 22, 34, and 35 in the Respondent's Designation of Matter To Be Included In The Record on Appeal were not included in the Record on Appeal. Pursuant to Rule 210(c), SCACR these items should have been included.

2. The Record on Appeal includes matters not presented to the Lower Court. Appellant designated and included in the Record on Appeal (a) records of the Secretary of State of North Carolina concerning an entity known as B.C. Fund, LLC (Record on Appeal, p. 98) and (b) unsigned and unrecorded documents concerning the formation of Bellamy and Bellamy, LLC (Record on Appeal, pp. 105-121). These documents were not presented to the Lower Court and should not be included in the Record on Appeal. Rule 210 (c), SCACR.

3. The copy of one of the orders included in the Record on Appeal include editorial comments in the form of underlined and circled words. The copy of the May 4, 2018 Foreclosure Order included in the Record on Appeal (pp. 12-39) contains multiple editorial comments in the form of underlined and circled words that were not part of the record before the Lower Court and should not be included in the Record on Appeal.

The Respondent M&T Bank respectfully requests an Order of this Court requiring the Appellant to correct the Record on Appeal to include omitted matters, exclude improper records, and correct improperly presented records.

May 15, 2020.



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THE STATE OF SOUTH CAROLINA  
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And

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..... Defendants,

Of whom 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.

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**PROOF OF SERVICE**

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I certify that I have caused the foregoing Motion to Correct Record on Appeal to be served on the Appellant, Mr. Bobby J. Bellamy, by having a copy deposited in the United States Mail, postage prepaid, on May 15, 2020 addressed to Bobby J. Bellamy, PO Box 1674, Little River, SC 29566.

I further certify that I have caused the foregoing Motion to Correct Record on Appeal to be served on all parties to this appeal by having a copy deposited in the United States Mail, postage prepaid, on May 15, 2020, addressed as follows:

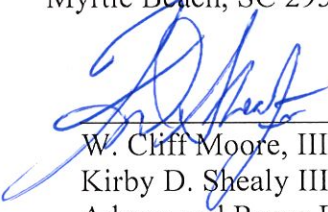
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May 15, 2020.



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Attorneys for M&T Bank, Respondent



May 15, 2020

Via OneDrive

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals

RE: *M&T Bank v. Tyrone Davis, et al.*  
Appellate Case No. 2019-001682  
A&R File No. 050168-000223

**RECEIVED**

**May 15 2020**

**SC Court of Appeals**

**Attorneys at Law**

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Texas  
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Dear Ms. Kitchings:

I am hereby filing the Respondent M&T Bank's Motion to Correct the Record on Appeal and Proof of Service in the referenced case. Under separate cover, I am placing in today's mail a check in the amount of \$50.00 to cover the filing fee for this Motion.

In response to the Court's April 23, 2020 letter regarding deficiencies in M&T Bank's initial brief, we have corrected the caption/title in this motion and will do so in the final brief. However, the Court requested that John B. Kelchner, Stephanie M. Huggins and Ashley Zarrett Stanley be added as co-counsel for the respondent. While we have added Mr. Kelchner and Ms. Stanley, Ms. Huggins is no longer with the Hutchens Law Firm and does not represent the respondent in this matter. Please advise if you need further information in support.

Thank you for your assistance with this matter.

Sincerely,

Kirby D. Shealy III

KDS/jas

cc: *via U.S. Mail w/encl.*

Mr. Bobby B. Bellamy  
John B. Kelchner, Esq. and Ashley Z. Stanley, Esq.  
Daniel Q. Orvin, Esq. and Matthew Tillman, Esq.  
George J. Conits, Esq.  
Leticia LLC c/o Kevin Pendergrass