

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

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 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.

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SC Court of Appeals

William O. Smith, Respondent

APPELLANT'S REPLY IN OPPOSITION TO CO-RESPONDENT DANIEL ORVIN'S
RESPONSE TO APPELLANT'S AMENDED MOTION FOR ORDER FOR SANCTIONS ON
INDISPENSABLE CO-RESPONDENTS

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

The Appellant, Bobby J. Bellamy, Reply in Opposition to Co-Respondent Daniel Orvin's Response to Appellant's Amended Motion for Order for Sanctions on Indispensable Co-Respondents.

On May 13, 2020, the Clerk of Court mailed a deficiency letter, warned the Respondent that the time to serve and file the Respondent's Initial Brief and Designation of Matter for Respondent Tyrone Davis had expired. The Court extended the date ten (10) days to file and serve the documents along with a Motion requesting permission to serve and file outside of the filing deadline set by Rule 208 and 209 of the SCACR. The Court warned that respondent's Initial Brief would not be considered if no motion was made. The co-respondent failed to comply with the Order of the Court.

Now the Attorney Daniel Orvin files a response at this late date on June 12, 2020 to Appellant's Amended Motion for Order for Sanctions on Indispensable Co-Respondent. The Respondent attempts to file late due to challenges relating to alleged clarity and coherence of Appellant's claims and arguments in Appellant's Initial Brief. The Defendant/Respondent Tyrone Davis respond with three (3) arguments. The Appellant will list and underline the arguments and reply in opposition as follows:

1. **Respondent Tyrone Davis does not intend to file a Respondent's brief in this matter, as he is no longer the owner of the subject property and does not intend to contest that issue. That is not sanction able conduct.**

The Appellant has objection to this issue because the relevant issues does not apply to current ownership. The relevant issue (*see Record on Appeal page 4*) **Order denying defendant Bellamy's Motion for Summary Judgement and Granting Plaintiff's Motion to Amend.**

Defendant Davis disagreed with Defendant Bellamy's legal position and contended that a mortgage has standing to assert an equitable action to reform the deed in the mortgage property chain of title to ensure that the deed reflects the intent of the parties. The simple question in the Appellant's initial brief: **Did the Master err in Order of Reformation in Master's Report and Order of Foreclosure and Sale of property description, for the plaintiff, M&T Bank for reason of mutual mistake, rather than clear, cogent and convincing mounting to a certainty prevent the Master from executing and delivering a legal deed of conveyance?** The respondent stated above his position on this issue and the simple question should have been answered.

2. **The allegations and claims in appellant's Motion and other filings on appeal to the Court are not clear or coherent and Defendant/Respondent Tyrone Davis is unable to determine how to respond to such claims and arguments in Appellant's fillings.**

On August 29, 2013 plaintiff filed a Motion to Amend its complaint (See Record on Appel page 2) seeking to add an action to reform the Bellamy deed and Davis deed to indicate that BC Fund and Management LLC rather than BC Fund LLC was the intended grantee and grantor (respectively) of these instruments. Defendant Bellamy opposed Plaintiff's motion and Defendant Davis appeared in support of the motion. The simple question in the Appellant's initial brief: **Did the Court err in Order granting Plaintiff's Motion to Amend complaint on November 6, 2013, authorizing a South Carolina LLC, BC Fund and Management, LLC D/B/A BC Fund LLC, North Carolina LLC without Consent of Authority from the Secretary of State of South Carolina and failure to file a notice of that name change in the office of the register of deeds in Horry County in South Carolina prevent the Master from**

executing and delivering a legal deed of conveyance? The plaintiff appeared in support of the motion as stated above, the simple question should have been answered.

3. **If this Court determines that Appellant's Motion and previous filings with this Court includes claims upon which relief can be granted, such claims should not be granted against him.**


On February 19, 2014, Second Amended Answer, Counterclaims and Crossclaims and Third-Party complaint of the Defendant Bobby Bellamy. (*See*) Failure of Consideration from Grantor to Reform the BC Fund defendant. Defendant Davis as a subsequent grantee stand in the shoes of the grantor BC Fund LLC, and where grantee Davis does not come with clean hands in that he or his grantor BC Fund LLC failed to pay full consideration to the defendant Bellamy for his property, there can be no reformation of the original deed to such grantor. The simple question in the Appellant's initial brief: **Did the Master err in Order dismissing Defendants counterclaim for civil conspiracy on March 18, 2015 and failed to comply with SC Statue on LLC that prevent a member of BC Fund and Management LLC, William O Smith from acting as alleged sole member of BC Fund LLC with authority to sell property to Tyrone Davis in Warranty deed prevent the Master from executing and delivering a legal deed of conveyance?** The defendant Tyrone Davis failed to pay full consideration to the defendant Bellamy for his property, therefore as stated above the simple question should have been answered.

I pray that the Court deny the Respondent Davis request. The Attorney for Respondent Tyrone Davis seems to have selective memory of how to respond to very simple claims and arguments in Appellant's filings. The facts are simple, Respondents, M&T Bank of New York, a bank not licensed and authorized to transact a construction loan or do business in South Carolina,

Tyrone Davis, William Smith, BC Fund and Management LLC invented a scam to embezzle money from M&T Bank, and used the Appellant's property to guarantee the mortgage scam.

June 18, 2020

Respectively yours,


Bobby J. Bellamy

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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,

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William O. Smith, Respondent

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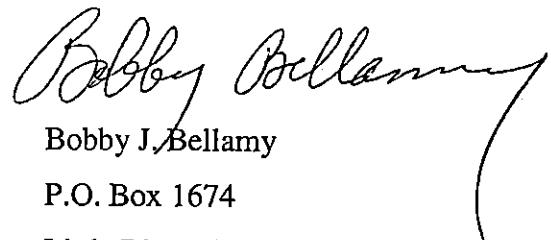
The Undersigned certify that I have served the **Appellant's Reply in Opposition to Co-Respondent Daniel Orvin's Response to Appellant's Amended Motion for Order for Sanctions on Indispensable Co-Respondents** on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on June 18, 2020 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 **Appellant's Reply in Opposition to Co-Respondent Daniel Orvin's Response to Appellant's Amended Motion for Order for Sanctions on Indispensable Co-Respondents** on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on June 18, 2020 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 **Appellant's Reply in Opposition to Co-Respondent Daniel Orvin's Response to Appellant's Amended Motion for Order for Sanctions on Indispensable Co-Respondents** on Tyrone Davis by depositing a copy of it in the United States Mail, postage prepaid, on June 18, 2020 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 **Appellant's Reply in Opposition to Co-Respondent Daniel Orvin's Response to Appellant's Amended Motion for Order for Sanctions on Indispensable Co-Respondents** 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 June 18, 2020 addressed to his attorney of record, Scott Umstead 4226 Mayfair St. #100 Myrtle Beach, S.C. 29577.

June 18, 2020


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, South Carolina 29211

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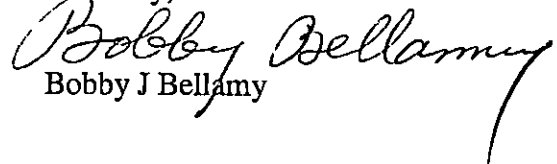
Re: M&T Bank v. Tyrone Davis, et al Appellate Case No. 2019-001682

Dear Ms. Kitchings:

I have enclosed the Original and a copy of the Appellant's Reply in Opposition to Co-Respondent Daniel Orvin's Response to Appellant's Amended Motion for Order for Sanctions on Indispensable Co-Respondents. A copy will be served to Attorney's listed below by United Stated mail with Proof of Service. Please file in the above referenced case.

June 18, 2020

Sincerely,


Bobby J Bellamy

Cc:

Cliff Moore III, Esq.

John B. Kelchner, Esq.

David Orvin, Esq

Scott Umstead, Esq

150004
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29564



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