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SC Court of Appeals

**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 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.**

**REPLY IN OPPOSITION TO RESPONDENT'S MOTION FOR EXTENSION OF TIME TO REPLY TO APPELLANT'S MOTION TO SUPPLEMENT SECOND AMENDED RECORD ON APPEAL.**

The Appellant respectfully requests an Order of this Court to accept Second Amended Record on Appeal and exclude improper records Specifically, item numbered 5, 6, 7, 8, 17, 20, 21, 22, 34, and 35 and allow matter on page 105 that contains the final steps to completing the Bellamy project. The Respondent request to remove page 105 as being a portion of the unsigned and unrecorded document concerning the formation of Bellamy & Bellamy LLC.

On 5/15/20 **M&T Bank's Motion to Correct Record on Appeal** Three issues raised:

(1) The Record does not include items designated by Respondent in its Designation of Matter included in the Record on Appeal.

The Respondent designated (10) items to be included in the Record on Appeal, Specifically, items numbered 5, 6, 7, 8, 17, 20, 21, 22, 34 and 35.

(2) The Record on Appeal includes matters not presented to the lower Court.

(a) records of the secretary of State of North Carolina concerning an entity known as BC Fund LLC (b) unsigned and unrecorded documents concerning formation of Bellamy and Bellamy LLC

(3) The copy of one of the Orders included in the Record on Appeal included editorial comments

in the form of underlined and circled words.

The copy of the May 4, 2018 Foreclosure

On 5/21/20 **Appellant's Response in opposition to correct Record on Appeal.** The Appellant respond in opposition to the Respondent M&T Bank's Motion to correct Record on Appeal with written statements by reference to three issues raised as follows:

(1) The Record does not include items designated by respondent in its Designation of Matter included in the Record on Appeal.

**The response:** The Respondent designated (10) items to be included in the Record on Appeal, Specifically, items numbered 5, 6, 7, 8, 17, 20, 21, 22, 34 and 35. These documents consist of orders filed by SC Appellate case numbered 2018-001523 and not presented in lower Court pursuant to SCACR Rule 210(c)

(2) The Record on Appeal includes matters not presented to the lower Court.

**The response:** specifically remove (a) the record of the Secretary of State of North Carolina and (b) unsigned and unrecorded documents concerning the formation of Bellamy and Bellamy LLC removed from the Second Amended Record on Appeal.

(3) The copy of one of the Orders included in the Record on Appeal included editorial comments in the form of underlined and circled words.

The copy of the May 4, 2018 Foreclosure

**The response:** The Appellant has submitted for filing a clean copy of the May 4 2018 foreclosure Order that does not include editorial comments in the form of underlined or circled

words in Second Amended Record on Appeal.

On 9/23/20 by **Court Order- the Appellant to serve and file a Second Amended Record on Appeal** that (1) include all matters designated by all parties (2) Omit any matters not presented to the lower court pursuant to rule 210©, SCACR and does not include any markings or editorial comments on any documents contained in the record and specifically remove (a) the record of the Secretary of State of North Carolina and (b) unsigned and unrecorded documents concerning the formation of Bellamy and Bellamy LLC.

The court did not address Respondent's request to include in Second Amended Record on Appeal, Specifically, item numbered 5, 6, 7, 8, 17, 20, 21, 22, 34, and 35, these items were not presented to lower court. These documents consist of orders filed by SC Appellate case numbered 2018-001523 and not presented in lower Court as pursuant to SCACR Rule 210 (c)

On 9/30 The Appellant served and filed **The Second Amended Record on Appeal** (1) included all matters designated by all parties (2) Omitted any matters not presented to the lower court pursuant to rule 210©, SCACR and did not include any markings or editorial comments on any documents contained in the record. The Appellant specifically removed (a) the record of the Secretary of State of North Carolina and (b) unsigned and unrecorded documents concerning the formation of Bellamy and Bellamy LLC.

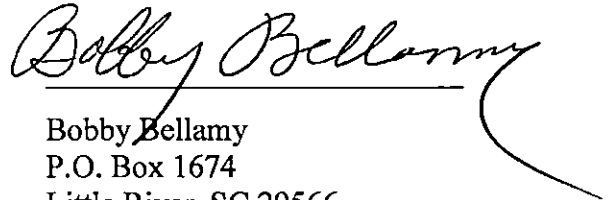
On 10/15/20 The Appellant served and Filed a **Motion to Supplement Second Amended Record on Appeal**. The appellant moved for an order from the court to exclude (10) items designated to be included in the Second Amended Record on Appeal. Specifically, item

numbered 5, 6, 7, 8, 17, 20, 21, 22, 34, and 35. These documents consist of orders filed by SC Appellate case numbered 2018-001523. These items were not presented to the lower court and should be omitted pursuant to Rule 210 (c), A copy of these documents were provided with the motion for the courts review. The Respondent requested to remove page 105, with no valid explanation.

On 10/15/20 Respondent's motion fee was paid and filed, **Motion to Correct Second Amended Record on Appeal** or, In the Alternative, Motion to Dismiss. The Appellant moved for an order from the court to exclude the same (10) items designated to be included in the Second Amended Record on Appeal. Specifically, item numbered 5, 6, 7, 8, 17, 20, 21, 22, 34, and 35 and The Respondent requested to remove page 105, with no valid explanation.

The Appellant respectfully requests an Order of this Court to exclude improper records Specifically, item numbered 5, 6, 7, 8, 17, 20, 21, 22, 34, and 35 and allow matter on page 105 that Respondent request to remove and to accept the Second Amended Record on Appeal as filed.

November 2, 2020

  
Bobby Bellamy  
P.O. Box 1674  
Little River, SC 29566  
843 457-3625

**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**

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**And**

**Bobby J. Bellamy, Appellant,**

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v.

**William O. Smith, Respondent.**

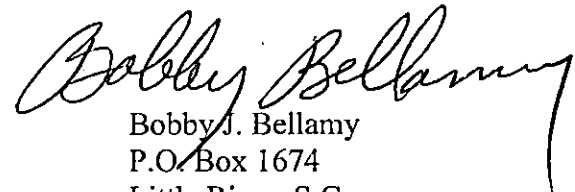
PROOF OF SERVICE

The Undersigned certify that I have served the **REPLY IN OPPOSITION TO RESPONDENT'S MOTION FOR EXTENSION OF TIME TO REPLY TO APPELLANT'S MOTION TO SUPPLEMENT SECOND AMENDED RECORD ON APPEAL** on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on November 2, 2020 addressed to his attorney of record, **Cliff Moore, III Adams and Reese LLP, 1501 Main Street 5<sup>th</sup> floor, Columbia, S.C. 29201.**

The Undersigned certify that I have served the **REPLY IN OPPOSITION TO RESPONDENT'S MOTION FOR EXTENSION OF TIME TO REPLY TO APPELLANT'S MOTION TO SUPPLEMENT SECOND AMENDED RECORD ON APPEAL** on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on November 2, 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 **REPLY IN OPPOSITION TO RESPONDENT'S MOTION FOR EXTENSION OF TIME TO REPLY TO APPELLANT'S MOTION TO SUPPLEMENT SECOND AMENDED RECORD ON APPEAL** on Tyrone Davis by depositing a copy of it in the United States Mail, postage prepaid, on November 2, 2020 addressed to his attorney of record, **Daniel J. Orvin, Womble Bond Dickson LLP, 5 Exchange St. Charleston, S.C. 29401**

**November 2, 2020**

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

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

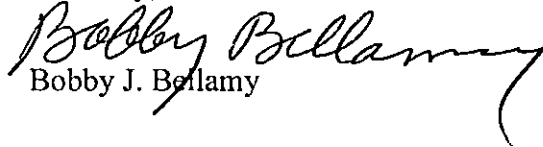
Re: M&T Bank v. Tyrone Davis, et al Appellate Case No. 2019-001682

Dear Ms. Kitchings:

I have enclosed for filing, the original **REPLY IN OPPOSITION TO RESPONDENT'S MOTION FOR EXTENSION OF TIME TO REPLY TO APPELLANT'S MOTION TO SUPPLEMENT SECOND AMENDED RECORD ON APPEAL** and served a copy to the Attorneys listed below by United States mail with Proof of Service, for filing in the above referenced case.

November 2, 2020

Sincerely,

  
Bobby J. Bellamy

c:

Cliff Moore, III, Esq.

John B. Kelchner Esq.

David Orvin, Esq

Bobby Bellamy  
P.O. Box 11674  
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