

STATE OF SOUTH CAROLINA

MOTION TO APPEAL JUDGMENT

COUNTY OF SPARTANBURG

Founders Federal Credit Union,
Plaintiff,

Case No. 2023-CP-42-02216

Vs.

Kyle Anthony Tracy
Defendant,

RECEIVED
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SC Court of Appeals

Motion to Appeal Judgment

On Tuesday, October 22, 2024, at 9:30 a.m., a hearing was held for judgment summary on the car loan from Founders' Federal Credit Union that resulted in repossession of a vehicle for the amount of \$14,929.63. I received the notice of hearing and understood the date that I needed to be at the courthouse in order to defend the allegations against me. At the time, I just started a new job and got my times mixed up which led me to inadvertently mistake my hearing to be at 2:30 p.m.. I showed up at the courthouse around 2 pm prepared to defend myself. As I arrived at the courthouse I spoke to multiple people because I was not aware of where the courtroom was. When I found the courtroom and found it was locked I went to the desk where they held the information for the docket for my hearing. They informed me that my hearing was at 9:30 a.m. not 2:30 p.m. and that judgment was already made but was not able to tell me what the decision was. I decided that although my hearing had passed, I would stick around anyway. I entered the courtroom around 2:30 p.m. and spoke with the bailiff at the door and told him I missed my hearing but wanted to sit in on the rest of the docket for the day and he allowed me to. I am asking for another chance to defend myself and motion for another hearing for summary judgment according to:

Per Rule 59(e). SCRCP, provides for a motion to alter or amend judgment and preserve the record for an appeal. *Pelican Building Centers v. Dutton*, 311 S.C. 56, 427 S.E.2d 673, 675

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SOUTH CAROLINA

(1993). Under R. 59(e), SCRCF, a trial judge may alter or amend an order for a period of ten days after the entry of judgment. *Doran v. Doran*, 288 S.C. 477, 478, 343 S.E.2d 618, 619 n.1 (1986).

I will not make the mistake again of the time or date of my hearing and would like the opportunity to defend myself of the allegations held against me and show why I believe the judgment of the loan should not be granted.

Kyle Tracy

(864) 381-1317

Dated: November 22, 2023

CC: Founders' Federal Credit Union

Katracy125@gmail.com

590 Cherry Hill Rd
Spartanburg, SC 29307

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AMY V. GOX
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STATE OF SOUTH CAROLINA)
)
 COUNTY OF Spartanburg)
)
Founders' Federal Credit Union)
 Plaintiff,)
 vs.)
Kyle Anthony Tracy)
 Defendant.)

IN THE COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

CASE NO.: 2023 -CP- 42 - 02216

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: <u>Suzanne Grigg</u> , Bar No. <u>7681</u> Address: <u>1230 Main Street Columbia, SC</u> Phone: <u>(803) 540-2114</u> Fax <u>(803) 727-1447</u> E-mail: <u>Sgrigg@maynard.com</u> Other:	Defendant's Attorney: <u>Pro Se/Kyle Tracy</u> , Bar No. _____ Address: <u>590 Cherry Hill Road Spartanburg, SC 29307</u> Phone: <u>(864) 381-1317</u> Fax _____ E-mail: <u>katracy125@gmail.com</u> Other:
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: <u>15-30 minutes</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<u>Kyle Tracy</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant Date submitted <u>November 22</u> , 20 <u>24</u>	
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <ul style="list-style-type: none"> <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other:	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____	Date Filed: _____, 20 <u>24</u>
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

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