

1 STATE OF SOUTH CAROLINA \* COURT OF COMMON PLEAS

2 COUNTY OF SPARTANBURG \* TRANSCRIPT OF RECORD

3 -----X

4 FOUNDERS FEDERAL CREDIT UNION, \*

5 \*  
6 Plaintiff, \*

7 \*  
8 vs. \* Case No. 2023-CP-42-02216

9 \*  
10 KYLE ANTHONY TRACY, \*

11 \*  
12 Defendant. \*

13 -----X

14

15

16

17

18

19

20

21

22

23

24

25

October 22, 2024

B E F O R E:

The Honorable J. Derham Cole, Presiding Judge

A P P E A R A N C E S:

Suzanne Grigg, Esq.

Attorney for the Plaintiff

RECEIVED

Apr 15 2025

SC Court of Appeals

Recorded by: TEC Courtroom

Transcribed by: Bobbi Fisher, RPR

SC Official Court Reporter III

## I N D E X

DESCRIPTION	PAGE
Proceedings	3

## E X H I B I T S

(None.)

## COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)[Transcription]	Indicates word(s) is not known due to audio recording quality

## P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: The next matter is Founders Federal Credit Union versus Kyle Anthony Tracy.

MS. GRIGG: Good morning, Your Honor.

THE COURT: Good morning. This is Civil Action No. 2023-CP-42-02216, Founders Federal Credit Union versus Kyle Anthony Tracy.

Who is here on behalf of the plaintiff?

MS. GRIGG: Suzanne Grigg on behalf of Founders Federal Credit Union, Your Honor.

THE COURT: And Kyle Anthony Tracy present?

Will you call Kyle Anthony Tracy's name, please, sir.

(Pause in the proceedings.)

THE DEPUTY: No response, Your Honor.

THE COURT: All right. Thank you.

Ms. Grigg, your motion for summary judgment?

MS. GRIGG: Yes, it is, Your Honor.

THE COURT: All right.

MS. GRIGG: Thank you very much. Again, Suzanne Grigg on behalf of Founders Federal Credit Union.

Your Honor, this case relates to a loan that was made to Mr. -- to the defendant in November of 2021. It was a car loan secured by a 2011 BMW. The defendant never made one loan payment on the car.

In January of '22, a right to cure note was sent. It was

1 repossessed in approximately March of '22. Unfortunately, in  
2 February of '22, there was some type of accident or there was  
3 some type of damage sustained to the car. Travelers Insurance  
4 opened a claim with the respect to the damage to the car, that  
5 there was some -- some delay in the Travelers' adjuster closed  
6 the claim because the car had been repossessed, then he was  
7 out of the office, then he then reopened the claim.

8         Ultimately, the car was sold, and there is a deficiency  
9 balance that remains due and owing by the defendant, and  
10 Founders is asking for the Court to enter a judgment against  
11 the defendant in the amount of \$14,920.18, Your Honor.

12         We have filed an affidavit from Joseph McCain with  
13 respect to the facts and circumstances and in support of the  
14 motion for summary judgment, and we have also filed a  
15 supplemental affidavit of attorney's fees and cost.

16         This is the second hearing we have had in this case.  
17 Earlier in the case, there was a motion for judgment on the  
18 pleadings; I believe Your Honor heard that. The defendant  
19 made certain arguments, and he appeared and made certain  
20 arguments at that point in time. You denied the motion for  
21 judgment on the pleadings. We then filed our motion for  
22 summary judgment and filed the supporting affidavits, Your  
23 Honor

24         THE COURT: All right. The motion is granted. Give me  
25 an order, please, ma'am.

1 MS. GRIGG: I'll be happy to. Thank you, Your Honor.

2 THE COURT: Thank you.

3 (The above hearing concluded.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF TRANSCRIBER

CASE NAME/NUMBER: Founders FCU v. Kyle Tracy

2023-CP-42-02216

DATE OF HEARING: 10/22/24

COURT REPORTER/MONITOR: TEC Courtroom

\*\*\*\*\*

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

*Bobbi Fisher*

/s/ Bobbi Fisher\_\_\_\_\_

Bobbi Fisher, RPR and Certified Transcriber

Date Prepared: 1/31/25

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.