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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Milton G. Kimpson, Circuit Court Judge

Appellate Case No. 2025-000397

Professional Financial ServicesRespondent,

v.

Tremaine Golson a/k/a Tremaine D. Golson and Brittney L. Greene
a/k/a Brittney L. Golson Appellants.

RESPONDENT'S OBJECTION TO
RECORD ON APPEAL

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Attorney for Respondent

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Tremaine Golson aka Tremaine D. Golson
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OBJECTION TO RECORD ON APPEAL

This case involves the repossession of a 2014 GMC Yukon vehicle (the “Vehicle”) in which the Appellants, Tremaine Golson and Brittney L. Greene, have appealed the trial court’s order of March 14, 2025, granting the Respondent, Professional Financial Services, summary judgment on its cause of action for breach of contract. In its final order, the trial court further authorized the repossession of the Vehicle from the Appellants and granted the Respondent’s request for a monetary judgment. The Appellants filed their Record on Appeal on June 4, 2025. The Respondent objects to the Appellants’ Record on Appeal based upon the Appellants’ failure to comply with the requirements set forth in rule 210 of the South Carolina Appellate Court Rules.

Rule 210(c) provides the following requirements for the Record of Appeal:

The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, *orders*, judgments, decrees, decisions, pleadings, transcript, charges, exhibits and other materials or documents, and a certificate by appellant. *Each page of the Record on Appeal shall be numbered consecutively beginning with the index.* Where a portion of a page of the trial transcript, or a page of an exhibit or documents, is to be included in the Record on Appeal, the entire page shall be included. When a portion of an order, judgment, decision, or pleading is to be included in the Record on Appeal, the entire order, judgment, decision, or pleading shall be included in the Record, to include the caption and signature(s); provided, however, that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal. If the original court reporter’s numbering has been deleted, the Record on Appeal shall contain ellipses or other notation indicating when pages of the court reporter’s transcript have been omitted.

Rule 210(c), SCACR (emphasis added). A review of the Appellants’ Record of Appeal reveals that it fails to comply with these requirements. The Appellants failed to include the final order granting Respondent’s motion for summary judgment in their Record of Appeal. Respondent has

attached a copy of the final order issued by Judge Kimpson as Exhibit A. Further, Appellants' Record does not follow the order of documents set out in rule 210(c). Additionally, the pages are not numbered. Numbered pages are necessary for the Respondent to be able to cite to specific portions of the Record in its final brief.

A review of the Appellants' Record on Appeal reveals that it does not comply with the requirements of the South Carolina Appellate Court Rules. It is also evident that it is not possible for the Respondent to reasonably complete a final brief with an incomplete Record on Appeal. For these reasons, the Respondent requests that the Appellants be required to file a corrected Record on Appeal which adheres to the requirements of the South Carolina Appellate Court Rules.

Respectfully submitted,

/s/ John S. Kay

John S. Kay, S.C. Bar #7914

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Attorney for Respondent Professional Financial Services

June 6, 2025

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
C/A No. 2024-CP-40-03931

Professional Financial Services,
vs.
Tremaine Golson a/k/a Tremaine D. Golson and
Brittney L. Greene a/k/a Brittney L. Golson,
Plaintiff,
Defendants.

ORDER

This matter came before me for hearing on Plaintiff's Motion for Summary Judgment and Defendants' Motion to Dismiss and Motion to Compel Arbitration. The hearing was held on January 7, 2025 attended by counsel for the Plaintiff, Gregory Wooten, Esq., of Hutchens Law Firm. Also, in attendance were the Defendants Tremaine Golson and Brittney Golson (collectively "Defendants" or "Golsons"), acting *pro se*.

PROCEDURAL HISTORY

1. The Plaintiff's Summons and Complaint were filed in the office for the Clerk of Court for Richland County on June 27, 2024.
2. The Defendants were served with the Summons and Complaint on July 6, 2024.
3. An Answer containing a motion to compel arbitration and stay proceedings was filed on September 16, 2024 by Ms. Golson, which purported to also be filed on behalf of Mr. Golson. Plaintiff's Reply to Motion to Compel Arbitration and Stay Proceeding Filed by Defendant Brittney L. Green a/k/a Brittney L. Golson was filed on September 9, 2024.
4. Defendant filed an Affidavit in Support of Motion to Dismiss and Compel Arbitration, Memorandum of Law in Support of Defendant's Motion to Dismiss and Compel Arbitration, and Notice of Special Appearance on October 4, 2024.
5. Plaintiff's Notice of Motion and Motion for Summary Judgment was filed on October 7, 2024.
6. Defendants filed a second Motion to Dismiss and Compel Arbitration on October 25, 2024. Subsequently, Defendants also filed a Public Records Request for Judge, Bond Information, and Insurance on November 7, 2024.



FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Plaintiff's Complaint is an action for repossession of a 2014 GMC Yukon vehicle (VIN 1GKS1CE09ER210569) in the possession of the Defendants based upon a default in the payments on Retail Installment Sale Contract executed by the Defendants on April 14, 2023. The Plaintiff's lien is noted on the Certificate of Title with the South Carolina Department of Motor Vehicles. Based upon the Affidavit submitted by Plaintiff in support of its motion, the payments on the loan are in default and are due for the October 3, 2023 installment forward. The following amounts are due on the loan as follows:

a.	Principal good through October 3, 2023	\$14,242.00	
b.	Interest due from October 3, 2023 through April 30, 2024	\$ 1,556.12	
c.	Late charges	\$ 160.34	
d.	Attorney Fee	\$ 1,950.00	
e.	Collection Costs		
	Filing charge for Summons and Complaint	\$180.32	
	Service of Process charge	\$330.00	
	Motion filing charge	\$ 95.22	\$ 605.54
TOTAL:			\$18,514.00

After thoroughly reviewing the parties' written submissions, to include the Retail Installment Sale Contract and excerpts from a warranty agreement, the affidavit in support of the Plaintiff's motion, the pleadings in the case, the parties' testimony, and arguments of counsel, I hereby find, conclude, and ORDER:

I. Defendants' Motion to Dismiss

1. The Defendants' Motion to Dismiss is DENIED
2. Defendants argue a deprivation of their right to due process. Inasmuch as they both have had an opportunity to file responsive pleadings and to be heard in this matter, the Court declines to grant the Defendants' prayer for relief on this basis.
3. Furthermore, to the extent Defendants also allege that the Plaintiff, a private entity, is "acting under the color of law" in violation of their rights in seeking redress over this dispute in state court, this ground for relief is also DENIED.

II. Defendants' Motion to Compel Arbitration

4. The Defendants' Motion to Compel Arbitration is DENIED.
5. The Plaintiff's action is grounded upon the breach of a "Retail Installment Sale Contract" (Sale Contract) executed by the Defendants. The Court has carefully reviewed the Sale Contract and finds that the Sale Contract does not contain any provision compelling the parties to engage in arbitration in the event of a contract dispute.

6. The GWC Warranty Vehicle Service Contract (Warranty Contract) signed by the Defendants does contain a provision mandating arbitration for disputes arising thereunder, but the Court has found no language in the Sale Contract making the Sale Contract subject to the arbitration provision in the Warranty Contract.
7. Furthermore, while a section of the Sale Contract gives the Plaintiff a security interest in “[a]ll insurance, maintenance, service, or other contracts we finance for you,” without more, the Court does not find that this language establishes that the arbitration language in the Warranty Contract is a part of the Retail Installment Sale Contract.

III. Plaintiff’s Motion for Summary Judgment

8. The Plaintiff properly supported its Motion for Summary Judgment with an account affidavit showing the Defendants’ have breached the Sale Contract and the amount of the outstanding debt.
9. Although they filed a Motion to Dismiss and Compel Arbitration, the Defendants failed to respond to Plaintiff’s Motion for Summary Judgment.
10. The Court finds that there is no genuine issue of material fact in dispute and the Plaintiff is entitled to judgment as a matter of law as to its action for repossession of the 2014 GMC Yukon (VIN 1GKS1CE09ER210569) with the right to dispose of the same in a commercially reasonable manner, as well as for resulting damages for unpaid amounts on the loan with Defendants, to include the interest, late fees, costs and attorney’s fees as outlined, below.

It is, therefore, ORDERED that the Plaintiff have judgment against the Defendants Tremaine Golson a/k/a Tremaine D. Golson and Brittney L. Greene a/k/a Brittney L. Golson as follows:

a. Principal good through October 3, 2023	\$14,242.00	
b. Interest due from October 3, 2023 through April 30, 2024	\$ 1,556.12	
c. Late charges	\$ 160.34	
d. Attorney Fee	\$ 1,950.00	
e. Collection Costs		
Filing charge for Summons and Complaint	\$180.32	
Service of Process charge	\$330.00	
Motion filing charge	\$ 95.22	\$ 605.54
TOTAL:		\$18,514.00

It is further ORDERED that the Plaintiff have judgment against the Defendants Tremaine Golson a/k/a Tremaine D. Golson and Brittney L. Greene a/k/a Brittney L. Golson for repossession of the 2014 GMC Yukon, VIN #1GKS1CE09ER210569 with the right to dispose of it in a commercially reasonable manner and the Sheriff of Richland County or

Sheriff of the County where the vehicle is located is authorized to assist in the pickup of the 2014 GMC Yukon, VIN #1GKS1CE09ER210569 and deliver it to the Plaintiff.

It is further ORDERED that if personal service cannot be reasonably achieved, then service of this Order for Judgment and Order for Repossession may be accomplished by personal service or by posting this document upon the door of the dwelling or some other prominent place on the property by the Sheriff of Richland County Sheriff of the County where the vehicle is located

AND IT IS SO ORDERED.

JUDGE, MILTON G. KIMPSON'S SIGNATURE PAGE TO FOLLOW:

FORM 4 ATTACHMENT

Tremaine Golson a/k/a Tremaine D. Golson
7628 Stone Street
Columbia, SC 29209

Brittney L. Greene a/k/a Brittney L. Golson
7628 Stone Street
Columbia, SC 29209



Richland Common Pleas

Case Caption: Professional Financial Services vs Tremaine Golson , defendant, et al
Case Number: 2024CP4003931
Type: Order/Judgment and Form 4

IT IS SO ORDERED.

s/Milton G. Kimpson 2783

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THE STATE OF SOUTH CAROLINA
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APPEAL FROM RICHLAND COUNTY
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Case No. 2024-CP-40-03931

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Professional Financial Services Respondent,

v.

Tremaine Golson a/k/a Tremaine D. Golson and Brittney L. Greene
a/k/a Brittney L. Golson Appellants.

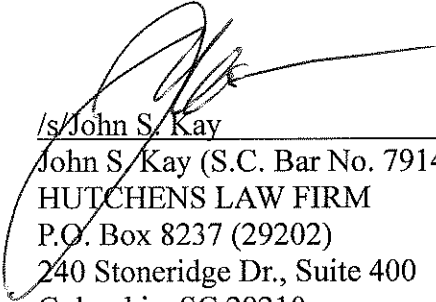
PROOF OF SERVICE

I hereby certify that I have served the Respondent's objection to Appellants record on appeal by depositing a copy of it in the United States Mail, postage prepaid, on June 6, 2025,

addressed to the Appellants below:

Tremaine D. Golson
7628 Stone Street
Columbia, S.C. 29209

Brittney L. Golson
7628 Stone Street
Columbia, S.C. 29209



/s/John S. Kay

John S. Kay (S.C. Bar No. 7914)

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Attorney for Respondent Professional Financial Services

June 6, 2025
Columbia, South Carolina