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SC Court of Appeals

BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM THE COUNTY OF SPARTANBURG

Appellate Case No. 2024-002016

Founders' Federal Credit Union,

Respondent,

v.

Kyle Anthony Tracy,

Appellant,

Kyle Anthony Tracy (*Appearing Pro Sé*)

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TABLE OF CONTENTS

Table of Authorities	2
STATEMENT OF ISSUES ON APPEAL.....	3
STATEMENT OF THE CASE.....	3
STANDARD OF REVIEW.....	4
FACTS.....	4
Arguments.....	4
CONCLUSION.....	5

Table of Authorities

CASES

Pelican Building Centers v. Dutton, 311 S.C. 56, 427 S.E.2d 673, 675 (1993)

Doran v. Doran, 288 S.C. 477, 478, 343 S.E.2d 618, 619 n.1 (1986)

STATUTES

Per Rule 59(e). SCRCP, provides for a motion to alter or amend judgment and preserve the record for an appeal

Under R. 59(e), SCRCP, a trial judge may alter or amend an order for a period of ten days after the entry of judgment

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN FAILING TO FIND THIS ACTION IS IN LINE WITH THE UNIFORM COMMERCIAL CODE?
2. DID THE TRIAL COURT ERR IN FINDING FOUNDERS' FEDERAL CREDIT EXHAUSTED ALL OPTIONS IN ATTEMPT TO MITIGATE THE DEFICIENCY?

STATEMENT OF THE CASE

On June 21st, 2023, Founders' Federal Credit Union brought this action of summary judgement against Kyle A. Tracy. Tracy answered alleging Founders' did not sell the vehicle in accordance with the Uniform Commercial Code. On September 12th, 2023, a virtual hearing was held where summary judgement was denied due to the plaintiff's lack of effort to resolve the issue with the defendant.

On August 22nd, 2024, Founders' Federal Credit Union filed for a motion for another summary judgement against Kyle A. Tracy. This hearing was held on October 22nd, 2024 where Tracy missed the hearing. Ruling was in favor of Founders' with no contest to the amount of \$14,929.63. Founders' Federal Credit Union was served with a Notice of Appeal on December 13th, 2024 by Tracy.

STANDARD OF REVIEW

The Trial Court's decision to grant summary judgment on the factual findings is to be reviewed under the clearly erroneous standard.

FACTS

Per Designation of Matter, article #3, Founders' Federal Credit Union did not provide reasonable notice of redemption of the vehicle. Under the deposition of the collateral it states:

"If we decide to sell the Collateral at a public sale, private sale, or otherwise dispose of the Collateral, we will provide reasonable notice if required by law and will otherwise comply with applicable state law"

This notice was not provided.

Arguments

1. BECAUSE FOUNDERS' FEDERAL CREDIT UNION DID NOT PROVIDE REASONABLE NOTICE OF REDEMPTION OF THE VEHICLE, THE VEHICLE WAS NOT SOLD IN ACCORDANCE WITH THE UNIFORM COMMERCIAL CODE
2. BECAUSE FOUNDERS' FEDERAL CREDIT UNION DID NOT COMPLY WITH THE UNIFORM COMMERCIAL CODE OR PROVIDING REASONABLE NOTICE OF REDEMPTION OF THE VEHICLE, FOUNDERS' WAS NOT ABLE TO MITIGATE THE DEFICIENCY

CONCLUSION

For the reasons stated, this Court should reverse the judgement from the Trial Courts.

CERTIFICATE OF SERVICE

I, Kyle Anthony Tracy, hereby certify on August 21st, 2025 that I did cause to be served on the parties in this case this Legal Brief electronically via email to the email address listed below:

Suzanne Taylor Graham Grigg, (Bar # 70861)

sgrigg@maynardnexsen.com

CC: Founders' Federal Credit Union

Suzanne Taylor Graham Grigg, (Bar # 70861)

Maynard Nexsen PC

DATED: August 21st, 2025

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