

**FORM 1
AMENDED NOTICE OF APPEAL IN A
CIVIL CASE**

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JAN 27 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

George M. McFaddin, Jr., Circuit Court Judge

Case No. 2025-CP-08-00615

Cheryl Carter,

Appellant,

v.

McElveen Buick-GMC, Inc.,

Respondent.

NOTICE OF APPEAL

See Attached Statement of the Case and Issues to be Raised.

January 17, 2026

Cheryl Carter
Cheryl Carter
355 Bradley Bend Dr.
Moncks Corner, South Carolina
29461
(843) 345-6751
Appellant

Victoria W. Kurtz
361 N. Shelmore Blvd.
Mt. Pleasant, South Carolina
29464
(843) 535-9560
Attorney for Respondent

107082

ATTACHMENT TO INITIAL DOCKETING STATEMENT (SCCA/241)

Appellant: Cheryl Carter

Trial Court Case No.: 2025-08-00615

STATEMENT OF THE CASE

This appeal arises from the denial of Appellant's Motion for Relief from Judgment/Order.

On April 22, 2025, the Honorable Judge McFaddin entered an order dismissing the action. Appellant, appearing pro se, had elected service by traditional mail and did not receive service of the order; Appellant later discovered the order electronically.

On July 24, 2025, the Honorable Judge Goodstein heard Appellant's Motion for Relief from Judgment. During the hearing, Judge Goodstein stated on the record that a judicial conflict existed and ordered the matter continued to the next available term of court.

Subsequently, the Honorable Judge McCoy presided over the next hearing and, by order dated November 19, 2025, denied the Motion for Relief from Judgment. **Appellant had elected service by traditional mail pursuant to Rule 5, SCRPC, but did not receive service of the order by that method. Appellant received written notice of entry of the order in person from the Clerk of Court on December 31, 2025.** This appeal follows.

ISSUES PRESENTED FOR REVIEW

1. Judicial Conflict and Continuance

Did the trial court err in denying the Motion for Relief from Judgment after the court had previously determined that a judicial conflict existed and ordered the matter continued to a subsequent term of court?

2. Service of the Dismissal Order

Did the trial court err in declining to vacate an order of dismissal that was not served on a pro se litigant by traditional mail, as elected, pursuant to Rule 5, SCRPC?

3. Scope of Dismissal and Retroactive Application of Law

Did the trial court err in dismissing the entire action based on a retroactive application of a 2023 statutory change concerning closing-fee advertisements under **S.C. Code § 37-2-307**, while failing to adjudicate claims brought under the South Carolina Dealers Act relating to the 2022 transaction?

COUNTY COURT OF THE NINTH JUDICIAL CIRCUIT
BERKELEY COUNTY, SOUTH CAROLINA
COMMON PLEAS

CHERYL CARTER

Plaintiff,

vs.

MCELVEEN BUICK-GMC, INC

Defendant.

CASE NO: 2025-CP-08-00615

2026 JAN -9 PM 4: 10
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC.

FILED



NOTICE OF APPEAL

TO: The Clerk of Court for Berkeley County

AND TO: Counsel and Parties of Record

PLEASE TAKE NOTICE that Cheryl Carter, Plaintiff in the above-captioned matter, hereby appeals to the South Carolina Court of Appeals from the final order of the Honorable Judge McCoy, filed on November 10, 2025, pursuant to Rule 203(b)(1), South Carolina Appellate Court Rules (SCACR).

Pursuant to Rule 203(b)(1), SCACR, a notice of appeal must be served within thirty (30) days after receipt of written notice of entry of the order. Plaintiff is not a registered e-filer and therefore service is governed by traditional service rules. Plaintiff did not receive the order by traditional service at her address of record with the Clerk of Court.

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Plaintiff timely notified the Court and Defendant of the lack of service and preserves all rights related thereto. Plaintiff obtained an in-person copy of the Order on December 31, 2025, which constitutes receipt of written notice of entry of the Order. Accordingly, this Notice of Appeal is timely.

Under Rule 241(a), SCACR (South Carolina Appellate Court Rules), the general rule is that serving a Notice of Appeal automatically stays the relief ordered in the judgment.

The grounds for this appeal will be set forth in the Appellant's Brief filed in accordance with the South Carolina Appellate Court Rules.

Respectfully submitted

Cheryl Carter

Cheryl Carter

355 Bradley Bend Dr.

Moncks Corner, SC 29461

(843) 345-6751

CMC6751@gmail.com

Pro Se

Date: 01/09/2026

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of January, 2025, I filed the foregoing Notice of Appeal with the Clerk of Court for Berkeley County Court of Common Pleas by hand delivery, and served a true and correct copy upon counsel for

**Defendant, McElveen Buick-GMC, Inc., by United States Postal Service
First-Class Mail (or Certified Mail), properly addressed and postage prepaid.**

% Cheryl Carter, Pro Se

**Victoria W. Kurtz, Esq. (SC Bar: 103303)
361 N. Shelmore Blvd.
Mt. Pleasant, SC 29464
Victoria@JohnstonLawSC.com
843-535-9560**

**Berkeley County Courthouse
Common Pleas
Clerk of Court
300-B California Avenue
Moncks Corner, SC 29461
(843) 723-3800**

**FORM 7
PROOF OF SERVICE OF AMENDED NOTICE
OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

George M. McFaddin, Jr., Circuit Court Judge

Case No. 2025-CP-08-00615

Cheryl Carter,

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McElveen Buick-GMC, Inc.,

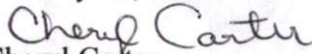
Respondent.

PROOF OF SERVICE

I hereby certify that the **Original Notice of Appeal** was filed with the Clerk of Court for Common Pleas, Berkeley County, on January 9, 2026. On that same date, a copy was served upon counsel for McElveen Buick-GMC, Inc., Victoria W. Kurtz, at 361 N. Shelmore Blvd., Mount Pleasant, SC 29464, via U.S. Mail, postage prepaid.

I further certify that an **Amended Notice of Appeal**—filed to address technical requirements of the Appellate Court—was served upon Victoria W. Kurtz at the aforementioned address by depositing the same in the U.S. Mail, postage prepaid, on January 17, 2026.

January 17, 2026


Cheryl Carter
355 Bradley Bend Dr.
Moncks Corner, South Carolina
29461
(843) 345-6751
Appellant

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355 BRADLEY BEND DR
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UNITED STATES
POSTAL SERVICE.

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