

**RECEIVED**

**Feb 17 2026**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

**APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas**

Honorable Judge George M. McFaddin, Jr., Circuit Court Judge  
Honorable Judge Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2026-000201

Cheryl Carter, Pro Se..... Appellant,

v.

McElveen Buick GMC, Inc. .... Respondent.

**RESPONDENT’S MOTION TO DISMISS APPEAL AND RETURN IN  
OPPOSITION TO APPELLANT’S MOTION FOR EXTENSION OF TIME**

**JOHNSTON LAW, LLC**

/s/ Victoria W. Kurtz  
Victoria W. Kurtz, Esq. (SC Bar No. 103303)  
361 N. Shelmore Blvd.  
Mt. Pleasant, SC 29464  
Victoria@JohnstonLawSC.com  
John@JohnstonLawSC.com  
T: 843-535-9560  
*Attorney for Respondent*

**TABLE OF AUTHORITIES**

**CASES**

*Laser Supply & Services, Inc. v. Orchard Park Associates, Op. No. 4503 (S.C. Ct. App. Feb. 19, 2009)* ..... 3

**RULES**

Rule 207(a)(1), SCACR..... 2  
Rule 6(e), SCACR ..... 2  
Rule 260(a), SCACR ..... 3  
Rule 203, SCACR..... 4  
Rule 240(c), SCACR ..... 4  
Rule 267, SCACR..... 4

## **INTRODUCTION**

Respondent, by and through its undersigned counsel, respectfully moves to dismiss this appeal pursuant to Rules 207 and 210(f) of the South Carolina Appellate Court Rules (“SCACR”) and opposes Appellant’s Motion for Extension of Time to Order Transcript.

## **STATEMENT OF FACTS**

On February 20, 2025, Appellant filed a Complaint in the Court of Common Pleas for Berkeley County, alleging violations of the South Carolina Consumer Protection Code and the South Carolina Dealers Act. On March 21, 2025, Appellant filed a Motion to Dismiss Respondent’s Complaint and on April 22, 2025, the lower court (Judge George M. McFaddin) granted Respondent’s Motion and dismissed the case in a Form 4 Judgment mailed first class. Almost two months later, on June 10, 2025, Appellant filed a Motion for Relief from Judgment claiming that she never received a written copy of the Judgment via the mail. On November 10, 2025, the lower court denied Respondent’s Motion for Relief from Judgment in a Form 4 Judgment (Judge Jennifer B. McCoy) and mailed the same first class. Finally, on November 19, 2025, the lower court issued an Order to accompany that Form 4 Judgment.

On or about January 9, 2026, Appellant, Cheryl Carter, appearing Pro Se, filed a Notice of Appeal, appealing the final Judgment of the Honorable Judge Jennifer B. McCoy denying Appellants Motion for Relief from Judgment. On January 17, 2026, Appellant Amended her Notice of Appeal because it failed to comply with court rules.

Despite the lower Court’s representation that the Judgment was filed and served via electronic means and first class mailing on November 10, 2025<sup>1</sup>, Appellant again claims she did not receive a copy of the Judgment in the mail. It is the ordinary practice of the Court in

---

<sup>1</sup> See Exhibit A.

Berkeley County to mail all judgments and orders to any party not proceeding in the Electronic Filing System. However, in Berkeley County it seems only Appellant is usurped in this process, given this would be the third time that Appellant allegedly failed to receive a Judgment or Order of the Court by mail.

This Appeal should be dismissed because Appellant has failed: (1) to timely file the Appeal; (2) to comply with mandatory Court Rules for form and content; and (3) to comply with mandatory Court Rules to perfect her appeal.

### **ARGUMENT**

#### **I. APPELLANT FAILED TO PERFECT THE APPEAL PURSUANT TO RULE 207, SCACR.**

Rule 207(a)(1), SCACR, requires an Appellant appealing in Civil Common Pleas appeals to, (1) Order the transcript in writing; (2) make satisfactory financial arrangement; and (3) do so within then (10) days after service of the Notice of Appeal.

Appellant filed her Notice of Appeal on January 9, 2026, with an attached Certificate of Service<sup>2</sup>. Accordingly, pursuant to Rule 207, Appellant must have ordered the transcript no later than January 19, 2026. Even applying Rule 6(e) SCRCPP for date of service, Respondent must have ordered the transcript no later than January 24, 2026.

After the filing of Appellant's initial Notice of Appeal, Appellant filed an Amended Notice of Appeal on January 17, 2026<sup>3</sup>, in an effort to correct deficiencies in her Notice of Appeal and comply with the Court Rules. The filing of an Amended Notice of Appeal did not restart the clock for Rule 207, meaning, Appellant was still required to order the transcript by January 19, 2026,

---

<sup>2</sup> See Exhibit B.

<sup>3</sup> See Exhibit C.

and at the latest, January 24, 2026.<sup>4</sup> Appellant failed to meet either deadline prompting Appellant's motion seeking an extension of time to order transcript.

To make matters even more confusing, with no basis, Appellant claims to have filed her Notice of Appeal on January 27, 2026.<sup>5</sup> Even if the Court were to consider the Notice of Appeal as filed on January 27, 2026, Appellant *still* failed to meet the deadline of February 6, 2026, to order the transcript.

Appellant's failure to timely order the court transcript constitutes a failure to perfect the appeal and is reason for this Court to dismiss Appellant's appeal. *See Laser Supply & Services, Inc. v. Orchard Park Associates*, Op. No. 4503 (S.C. Ct. App. Feb. 19, 2009) (this court dismissed the appeal because of Laser's failure to comply with Rule 207, SCACR).

Because Appellant failed to timely order the court transcript, Appellant's case should be dismissed with prejudice. Even if this Court chooses not to dismiss the case on this basis, Appellant's case should still be dismissed for the following reasons.

**II. THE CLERK FOR THE COURT OF APPEALS HAS EXPRESS AUTHORITY TO DISMISS THIS CASE PURSUANT TO RULE 260(a) FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE COURT RULES.**

Pursuant to Rule 260(a), this court is empowered to dismiss any appeal for its failure to comply with the court rules. In addition to Appellants failure to comply with Rule 207(a)(1) as more fully described above, Appellant has not complied with SCRCR Rule 203, Rule 240(c), or Rule 267. While Appellant is appearing Pro Se, Appellant's Pro Se status does not excuse her compliance with the mandatory appellate rules respecting the Notice of Appeal, Motions, and the Form of Papers.

---

<sup>4</sup> Even if the Court were to consider the Amended Notice of Appeal as the calculation date, Appellant was required to order the transcript no later than January 27, 2026.

<sup>5</sup> See Exhibit D, Paragraph 1.

**Rule 203.** Appellant did not comply with Rule 203 when filing her Notice of Appeal on the basis of (1), timeliness, (2) required documentation, and (3) form. Appellant claims her Notice of Appeal is timely filed; however, the basis of such argument lacks any support and mirrors the pattern of Appellant's untimeliness in the lower court. Appellant's Notice of Appeal was not filed on time, and on that basis alone, Appellant's case should be dismissed. Airing on the side of caution, and assuming Appellant's timeline is taken as true, Appellant still failed to comply with the remaining requirement of Rule 203. This is clearly illustrated by Appellant's need to file an Amended Notice of Appeal for her failure to follow Rule 203 (d)(1)(B) and Rule 203(e).

**Rule 240(c).** Appellant failed to comply with Rule 240(c) in filing her Motion for an Extension of Time as it lacks the supporting affidavits or documents required to support her request for an extension.

**Rule 267.** Regarding all filings made by Appellant, Appellant failed to comply with Rule 267, because none of Appellant's filing are drafted in substantially the same form illustrated and provided in Rule 267 and nearly all filing captions are missing information required by 267(a).

The Clerk of Court should dismiss Appellant's case for failure to comply with Court Rules. Appellant is not excused from compliance with the mandatory appellate rules when practicing in the Appellate court Pro Se.

**III. THE COURT SHOULD DENY APPELLANT'S MOTION FOR AN EXTENSION OF TIME BECAUSE APPEALLANT FAILED TO PROVIDE A SHOWING OF GOOD CAUSE.**

Appellant filed a Motion seeking an extension of time to order the court transcript on the basis of excusable neglect. Appellant has relied upon no authority in support of her argument that her circumstances would be deemed excusable under Rule 60(b), SCRCF.

Further, Pursuant to Rule 240 (c)(3), Appellant did not file any affidavits or other documents in support of the facts she relied upon in her motion. Appellant failed to file any Affidavit or medical documentation supporting the allegations that she was incapable of following the Court rules due to a surgery, medical incapacity, and childcare requirements.

Appellant's pattern of untimeliness is prejudicial to the Respondent in this matter and does not align with the integrity of practice in this Court.

### **CONCLUSION**

Based upon the foregoing, Respondent has demonstrated that this Appeal should be dismissed with prejudice by Order of this Court. In the alternative, the Clerk should dismiss this case because Appellant failed to comply with multiple mandatory Court Rules. If necessary, contemporaneously with such dismissal, the Court should deny Appellant's Motion seeking an extension of time for failing to show good cause.

Respondent respectfully requests this Court:

- A. Dismiss the appeal with prejudice; and
- B. Deny Appellant's Motion for Permission to Order the Transcript Out of Time.

Respectfully Submitted,

**JOHNSTON LAW, LLC**

/s/ Victoria W. Kurtz  
Victoria W. Kurtz, Esq. (SC Bar No. 103303)  
361 N. Shelmore Blvd.  
Mt. Pleasant, SC 29464  
Victoria@JohnstonLawSC.com  
John@JohnstonLawSC.com  
T: 843-535-9560  
*Attorney for Respondent*

STATE OF SOUTH CAROLINA  
COUNTY OF Berkeley  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP0800615

Cheryl Carter  
PLAINTIFF(S)

McElveen Buick GMC, Inc.  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

Plaintiff Cheryl Carter's Motion for Relief from Judgment was filed on June 10, 2025, and was heard by this Court on September 15, 2025. Plaintiff's motion is hereby DENIED with Defense counsel to draft a formal proposed within ten (10) days.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/10/2025 .

Cheryl Carter for Cheryl Carter  
Cheryl Carter for Cheryl Carter

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.

---



**Berkeley Common Pleas**

**Case Caption:** Cheryl Carter VS McElveen Buick GMC, Inc.

**Case Number:** 2025CP0800615

**Type:** Order/Electronic Form 4

So Ordered

s/Jennifer B. McCoy #2764

**EXHIBIT B**

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

2025 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.

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

355 Bradley Bend Dr.

Moncks Corner, SC 29461

(843) 345-6751

CMC6751@gmail.com

Pro Se

Date: 01/09/2026

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> 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**

# EXHIBIT C

17 January 2026


Greetings Counsel,

Pursuant to guidance from the South Carolina Court of Appeals, the enclosed **Amended Notice of Appeal** which constitutes the required notice I was obligated to provide. I previously transmitted and filed a Notice of Appeal with the Clerk of Court for Common Pleas that did not comply with the applicable Appellate Court Rules. I sincerely apologize for this oversight.

Enclosed please find **Form 1 (Amended Notice of Appeal)** and its supporting documents; a **Notice of Withdrawal of Motion to Strike and Cancellation of Hearing** that's scheduled on 26 January, 2026; and the **Notice of Amended Notice of Appeal**, which are submitted to cure that defect and to serve as the proper notices. Pursuant to the Appellate Court Rules, these notices are being served in a timely manner.

Thank you for your time.

Respectfully,

  
Cheryl Carter

355 Bradley Bend Dr.

Moncks Corner, SC 29461

(843) 345-6751

CMC6751@gmail.com

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

**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  
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**

## **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?

STATE OF SOUTH CAROLINA  
COUNTY OF Berkeley  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP0800615

Cheryl Carter  
PLAINTIFF(S)

McElveen Buick GMC, Inc.  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

Upon review of the file and existing law, I grant Defendant's SCRPC 12(b) Motion and respectfully dismiss Plaintiff's complaint.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/22/2025 .

Cheryl Carter for Cheryl Carter  
Cheryl Carter for Cheryl Carter

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

---



**Berkeley Common Pleas**

**Case Caption:** Cheryl Carter VS McElveen Buick GMC, Inc.

**Case Number:** 2025CP0800615

**Type:** Order/Electronic Form 4

**So Ordered**

**S/George M. McFaddin, Jr., #2759**

Electronically signed on 2025-04-22 11:20:08 page 3 of 3

**STATE OF SOUTH CAROLINA  
COUNTY OF BERKELEY**

**CHERYL CARTER**

**Plaintiffs,**

**vs.**

**MCELVEEN BUICK-GMC, Inc.**

**Defendant.**

**IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT**

**CASE NO.: 2025-CP-08-00615**

**ORDER**

### **BACKGROUND**

This matter came before the Court on Plaintiff's Motion to Set Aside Judgment. On April 22, 2025, this Court entered judgment in favor of McElveen Buick GMC, Inc. and dismissed this case pursuant to Rule 12(b)(6). On June 10, 2025, Plaintiff filed a Motion to Set Aside Judgment. The Court heard the motion on September 15, 2025, with Victoria W. Kurtz appearing on behalf of McElveen Buick-GMC, Inc. and Cheryl Carter appearing pro-se. Having considered the motion, any response, the record, and the arguments of counsel and the parties, the Court issues the following Order.

### **LEGAL STANDARD**

Rule 60(a)-(b), South Carolina Rules of Civil Procedure, governs relief from judgments or orders. Under Rule 60(a), the Court may correct clerical mistakes arising from oversight or omission. Under Rule 60(b), the Court may relieve a party from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud, misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or

it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. Motions under Rule 60(b) must be made within a reasonable time, and for reasons (1), (2), and (3), not more than one year after the judgment, order, or proceeding was entered or taken.

#### **ANALYSIS**

Plaintiff's motion fails to identify, argue, or substantiate any specific ground for relief recognized under Rule 60(a) or Rule 60(b), SCRCP. The motion does not allege clerical error under Rule 60(a), nor does it assert facts supporting mistake, newly discovered evidence, fraud, voidness, satisfaction, prospective inequity, or any other reason justifying relief under Rule 60(b).

Plaintiff argued that she was not properly served a copy of the Judgment entered by the Court, however, Plaintiff acknowledged that she did receive an electronic copy, and the Court system reflected Plaintiff's choice for emailed service.

Plaintiff likewise provided no affidavits, evidentiary support, or legal authority demonstrating entitlement to extraordinary relief from a final judgment. Absent a properly pled and supported Rule 60 ground, the Court lacks a basis to disturb the final judgment. Accordingly, Plaintiff has not met the burden required to obtain relief under Rule 60, SCRCP.

#### **CONCLUSION**

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Set Aside Judgment is DENIED.**

**AND IT IS SO ORDERED.**

---

Jennifer B. McCoy

Dated: November 17, 2025



**Berkeley Common Pleas**

**Case Caption:** Cheryl Carter VS McElveen Buick GMC, Inc.

**Case Number:** 2025CP0800615

**Type:** Order/Other

**So Ordered**

**s/Jennifer B. McCoy #2764**

Electronically signed on 2025-11-19 12:42:40 page 3 of 3

2025 NOV 19 4:25 PM - BERKELEY - COMMON PLEAS - UNDERCOVER COURT

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

**NOTICE OF FILING AMENDED NOTICE OF APPEAL**

**TO: THE CLERK OF COURT AND COUNSEL FOR DEFENDANT:**

**PLEASE TAKE NOTICE** that Plaintiff, Cheryl Carter, appearing *pro se*, hereby files this **Amended Notice of Appeal** to correct procedural deficiencies in the initial notice filed on January 9, 2026. This amendment is filed in accordance with the South Carolina Appellate Court Rules (SCACR) to ensure full compliance with jurisdictional requirements.

Appellant received written notice of entry of the order being appealed in person on December 31, 2025; therefore, this Amended Notice is timely served and filed within the thirty (30) day jurisdictional window.

A copy of this Amended Notice was served upon Counsel for Defendant via USPS First-Class Mail or Certified Mail on January 17, 2026.

Respectfully submitted,

*Cheryl Carter*  
Cheryl Carter

Dated: 17 January, 2026

Cheryl Carter  
355 Bradley Bend Dr.  
Moncks Corner, SC 29461  
(843) 345-6751  
Cmc6751@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of January, 2026, I served true and correct copy of the foregoing Notice of Amended Notice of Appeal 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  
Counsel for Defendant

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

**NOTICE OF WITHDRAWAL OF MOTION TO STRIKE AND  
CANCELLATION OF HEARING**

**TO: THE CLERK OF COURT AND COUNSEL FOR DEFENDANT:**

**PLEASE TAKE NOTICE** that Plaintiff, Cheryl Carter, appearing *pro se*, hereby respectfully withdraws the Motion to Strike previously filed with this Court on December 19, 2025. Plaintiff respectfully requests that the Clerk and the Court take this matter off the calendar and cancel the scheduled hearing.

Respectfully submitted,

  
Cheryl Carter

17 January, 2026

*Cheryl Carter*

Cheryl Carter

355 Bradley Bend Dr.

Moncks Corner, SC 29461

(843) 345-6751

Cmc6751@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of January, 2026, I served true and correct copy of the foregoing Notice of Withdrawal of previously filed Motion to Strike 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

Counsel for Defendant

**EXHIBIT D**

**STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS**

**CHERYL CARTER**

**Appellant,**

**vs.**

**MCELVEEN BUICK-GMC, INC**

**Respondent.**

**APPELLANT CASE NO: 2026-000201**

**MOTION FOR PERMISSION  
TO ORDER TRANSCRIPT  
OUT OF TIME  
(Pursuant to Rule 207, SCACR)**

**TO: THE CLERK OF THE COURT OF APPEALS AND COUNSEL FOR  
RESPONDENT:**

The Appellant, **Cheryl Carter**, appearing *pro se*, hereby moves this Honorable Court for an Order allowing her to order the transcript of the proceedings in the above-captioned matter out of time. In support of this motion, Appellant would show the Court the following:

1. A Notice of Appeal was filed in this matter on **27 January, 2026**.
2. Pursuant to Rule 207, SCACR, the transcript should have been ordered within ten (10) days of the filing of the Notice of Appeal.
3. Appellant's failure to timely order the transcript was due to excusable neglect. Specifically, Appellant underwent major surgery shortly before the filing deadline and has been in a period of intensive physical recovery.

4. As a single mother of two children, Appellant's medical incapacity, combined with the necessity of maintaining her household during recovery, rendered her unable to manage the administrative requirements of the appeal during that window.
5. Appellant has confirmed with Court Administration that the hearing was recorded via Webex. Appellant has completed the SCCA 800 Transcript Request Form, attached hereto as Exhibit A, and is submitting it to the Office of Court Administration (transcripts@sccourts.org) to facilitate the transcription of the digital recording.
6. The transcript is essential for the Court to review the issues on appeal. This motion is made in good faith and not for the purpose of delay.

**WHEREFORE**, Appellant respectfully requests that the Court grant this motion and allow ten (10) days from the date of the Court's Order for the Appellant to serve the formal Transcript Request (Form SCCA 800) and provide the required deposit to the court reporter.

Respectfully submitted,



Cheryl Carter

355 Bradley Bend Dr.

Moncks Corner, SC 29461

(843) 345-6751

CMC6751@gmail.com

**Date:** February 6, 2026

**CERTIFICATE OF SERVICE**

**I certify that on February 6, 2026, I have served a copy of the foregoing Motion for Permission to Order Transcript Out of Time (including Exhibit A) by First Class Mail to the following counsel of record:**

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

% Cheryl Carter 

February 6, 2026



Exhibit A

**TRANSCRIPT REQUEST FORM**

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

Requestor's Information			
Full Name Cheryl Marie Carter		Law Firm/Agency Pro Se	Phone Number (843) 345-6751
Email Address Cmc6751@gmail.com		Mailing Address 355 Bradley Bend Dr. Moncks Corner, SC 29461	
Is the requestor a party in the case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party			
Transcript Information			
Docket Number	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) Cheryl Carter v. McEveen Buick-GMC, Inc	Circuit <input checked="" type="checkbox"/>	Family <input type="checkbox"/>
Date(s) of Proceeding 04/22/2025 07/24/2025 11/10/2025	County Berkeley	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Presiding Judge Honorable George M. McFaddin, Jr Honorable Diane S. Goodstein Honorable Jennifer B. McCoy		Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) Victoria W. Kurtz, ESQ Victoria@JohnstonLawSC.com			
Court Reporter(s)		<input checked="" type="checkbox"/> WebEx <input type="checkbox"/> DCRP	Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input checked="" type="checkbox"/> Daily delivery <input checked="" type="checkbox"/> Expedited delivery (7 days) Due on/before: 02/14/2026 <input type="checkbox"/> Regular delivery (60 days)
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _ A: _		Delivery Method (additional fees may apply) <input type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
<input type="checkbox"/> Ruling of the court		Responsible Payor <input checked="" type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney Email <input type="checkbox"/> Other	
Next Hearing Date N/A			

Requestor's Signature: Cheryl Carter  
(Typed name will serve as signature)

Date: 02/06/2026

**NOTE:** Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

**RECEIVED**

**Feb 17 2026**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

\_\_\_\_\_  
**APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas**

Honorable Judge George M. McFaddin, Jr., Circuit Court Judge

Honorable Judge Jennifer B. McCoy, Circuit Court Judge

\_\_\_\_\_  
Appellate Case No. 2026-000201  
\_\_\_\_\_

Cheryl Carter, Pro Se..... Appellant,

v.

McElveen Buick GMC, Inc. .... Respondent.

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

The undersigned certifies that the Respondent’s Motion to Dismiss Appeal and Return in Opposition to Appellant’s Motion For Extension of Time were served on Appellant via e-mail and first class mail on February 17, 2026 as follows:

Cheryl Carter  
355 Bradley Bend Dr.  
Moncks Corner, SC 29461  
CMC6751@gmail.com

**JOHNSTON LAW, LLC**

/s/ Victoria W. Kurtz  
Victoria W. Kurtz, Esq. (SC Bar No. 103303)  
361 N. Shelmore Blvd.  
Mt. Pleasant, SC 29464  
Victoria@JohnstonLawSC.com  
John@JohnstonLawSC.com  
T: 843-535-9560  
*Attorney for Respondent*