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Mar 09 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

MOTION TO VACATE ORDER

OF DISMISSAL AND REINSTATE APPEAL

COUNTY OF SPARTANBURG

Founders' Federal Credit Union,
Respondent,

Appellate Case No. 2024-002016

Vs.

Kyle Anthony Tracy,
Appellant,

MOTION TO VACATE ORDER OF DISMISSAL AND REINSTATE APPEAL

Appellant, appearing pro sé, respectfully moves this Court to vacate the Order of Dismissal entered on March 9th, 2026, and to reinstate the above-captioned appeal. In support of this motion, Appellant states as follows:

1. On January 27th, 2026, this Court issued an order directing Appellant to file the required document titled "Final Brief of Appellant" within twenty (20) days of the order.
2. The calculation of the deadline for filing a motion to extend appears to have been based on an incorrect service date, resulting in the stated deadline of February 23rd, 2026.
3. When the time is properly calculated from the correct service date, the deadline for filing a motion to extend would have been February 24th, 2026.
4. Because the deadline was calculated one day early, Appellant was deprived of the full time permitted by the Court's order to seek an extension or comply with the filing requirement.
5. On March 9th, 2026, the Court entered an Order dismissing the appeal.
6. The properly calculated time for correct filing for an Order dismissing the appeal would have been on March 10th, 2026.

TIMELINE OF RELEVANT DATES

- January 27th, 2026 – Order issued directing court filing within twenty (20) days.
- February 23rd, 2026 – Deadline listed in the order for filing a motion to extend court filing within ten (10) days.
- February 24th, 2026 – Correct calculated deadline based on proper service date.
- March 9th, 2026 – Order dismissing the appeal entered by the Court.

7. Appellant respectfully submits that the dismissal resulted from this timing discrepancy and not from any intent to disregard the Court's order.
8. Appellant therefore requests that the Court vacate the Order of Dismissal and reinstate the appeal so that the required filing may be made or an appropriate motion for extension may be submitted.

WHEREFORE, Appellant respectfully requests that this Court vacate the Order of Dismissal entered March 9th, 2026, reinstate this appeal, and grant such further relief as the Court deems just and proper.

Respectfully submitted,

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(Appearing Pro Sé)

Kyle Tracy

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Date: March 9th, 2026

CERTIFICATE OF SERVICE

I, Kyle Anthony Tracy, do hereby certify that a copy of this motion, “**MOTION TO VACATE ORDER OF DISMISSAL AND REINSTATE APPEAL**”, has been served upon the following by placing the same via email to the following listed below, addressed to following as shown below this 9th day of March 2026.

Suzanne Taylor Graham Grigg (SC Bar No. 70681)

Carl Petkoff (SC Bar No. 104895)

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