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May 07 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Thomas W. McGee, III, Circuit Court Judge

Appellate Case No. 2026-000732

Velocity Commercial Capital, Michael Garrick, Nancy Mullen,
Peak Choice Capital exp. Realty et al, Travis Reed, Darcy Varney Respondents,

v.

Anna Palasz.....Appellant.

RESPONDENT VELOCITY COMMERCIAL CAPITAL'S
MOTION TO DISMISS APPEAL

John S. Kay
Hutchens Law Firm LLP
240 Stoneridge Drive, Suite 400
Columbia, S.C. 29210
Phone: (803) 726-2700
john.kay@hutchenslawfirm.com
Attorney for Respondent Velocity
Commercial Capital

Anna Palasz
912 Old Lexington Hwy
Chapin, S.C. 29036
aniarealestateusa@gmail.com

Kevin McCarrell
Fox Rothschild LLP
2 W. Washington Street
Greenville, S.C. 29601
Phone: (864) 751-7652
kmccarrell@foxrothschild.com
Attorney for Respondents Michael Garrick,
Nancy Mullen, Peak Choice Capital exp.
Realty et al, Travis Reed, Darcy Varney

On January 5, 2026, the Lexington Court of Common Pleas issued an order granting a Motion to Dismiss filed by the Respondents in this case: Velocity Commercial Capital, Peak Choice Capital, exp. Realty et al, Travis Reed and Darcy Varney (“Respondents”). The court thereby dismissed the Appellant’s complaint with prejudice. The Appellant, Anna Palasz (“Appellant”), subsequently filed her Notice of Appeal with the Court of Common Pleas on January 16, 2026. Appellant then filed her Notice of Appeal with the South Carolina Court of Appeals on March 20, 2026.

Appellant’s Notice of Appeal filed with the South Carolina Court of Appeals is untimely filed and fails to comply with the applicable rules. Rule 203(d)(1)(B) provides: “The notice of appeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the notice of appeal is served.” Rule 203(d)(1)(B), SCACR. According to Appellant’s Certificate of Service, Appellant served her Notice of Appeal on January 22, 2026, and therefore had ten (10) days from that date to file the Notice of Appeal with the clerk of the appellate court. Appellant did not file her Notice of Appeal with the South Carolina Court of Appeals until March 20, 2026.

Additionally, Appellant did not timely order the transcript, as required by Rule 207(a)(1): “In appeals from the court of common pleas, masters-in-equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal.” Rule 207(a)(1), SCACR. Thus, the Appellant was required to order the transcript within 10 days from the date of service, January 22, 2026. In her Designation of Matter filed on March 20, 2026, Appellant states “Appellant does not request preparation of a transcript for this appeal, as the issues raised are matters of law and procedural error apparent on the face of the record.” In its Letter on March 25, 2026, the Court reminded Appellant that she

must order the transcript pursuant to Rule 207(a)(1). Appellant failed to do so, and ignored the Court's instructions when she once again stated in her Designation of Matter filed on May 6, 2026, that "No transcript is requested. Issues are legal and appear on the face of the record." Appellant thus refuses to comply with Rule 207(a)(1), even after reminders from the Court.

The Appellant fails to provide correct Certificates of Service in accordance with the South Carolina Appellate Court Rules, specifically Rule 262(c) in that the addresses for the persons listed as being served by mail are noticeably absent.

For these reasons, Respondent, Velocity Commercial Capital requests that the Appellant's appeal be dismissed.

Respectfully submitted,


/s/ John S. Kay

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

HUTCHENS LAW FIRM

P.O. Box 8237 (29202)

240 Stoneridge Dr., Suite 400

Columbia, SC 29210

P.O. Box 8237

Columbia, S.C. 29202

803-726-2700 (ext. 2705)

Email: John.kay@hutchenslawfirm.com

*Attorney for Respondent Velocity Commercial
Capital*

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PROOF OF SERVICE

I certify that I have served the Motion to Dismiss Appeal by Velocity Commercial by depositing a copy of it in the United States Mail, postage prepaid, on May 7, 2026, addressed to Anna Palasz, 912 Old Lexington Highway, Chapin, S.C. 29036 and to attorney Kevin McCarrell 2 W. Washington Street Greenville, S.C. 29601

May 7, 2026


s/John S. Kay
John S. Kay
Post Office Box 8237
Columbia, South Carolina 29072
(803) 726-2700 (ext. 2705)
Attorney for Respondent
Velocity Commercial Capital

John S. Kay
Hutchens Law Firm LLP
240 Stoneridge Drive, Suite 400
Columbia, S.C. 29210
Phone: (803) 726-2700
john.kay@hutchenslawfirm.com
Attorney for Respondent Velocity
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Anna Palasz
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Chapin, S.C. 29036
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