

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

74785

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

**RECEIVED**

JAN 15 2015

**SC Court of Appeals**

Appellate Case No. 2014-002467

Dealer Services Corporation. . . . . Respondent,

v.

Total, Inc., d/b/a Gault's Used Cars, d/b/a Gault's Auto Parts, d/b/a Gault's Used Cars and Auto Parts, d/b/a Gault's Used Cars and Motormaxx; Edward Keith Potter; Michael Wayne Gault; Christopher Drye, d/b/a Drye's Auto Crushing; Ben D. Kochenower, CPA; Automotive Finance Corporation; Grandsouth Bank, d/b/a CarBucks; Mason Motors, Inc., d/b/a LC Mason Ent.; American Community Bank, a Division of Yadkin Valley Bank and Trust Company; Quick Capital, LLC, d/b/a Quick Capital; and Auto Bank Floorplan, LLC. . . . . Defendants,

Of whom,

Total, Inc., d/b/a Gault's Used Cars, d/b/a Gault's Auto Parts, d/b/a Gault's Used Cars and Auto Parts, d/b/a Gault's Used Cars and Motormaxx; Edward Keith Potter; and Michael Wayne Gault are . . . . . Appellants.

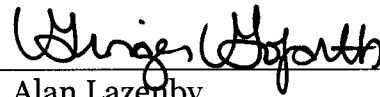
**MOTION TO SERVE REQUEST FOR TRANSCRIPT OUTSIDE OF TIME**

Appellant Michael Gault moves pursuant to Rule 240, SCACR for an order granting his Motion to Serve Request for Transcript Outside of Time. Appellant served this Notice of Appeal on November 14, 2014. Three days later, Appellant's counsel had a grave and emergent family medical matter, and the transcript request was,

inadvertently, not timely made. Upon discovering the error, the transcript was properly ordered on January 5, 2015.

This relief will not prejudice Respondent, and is not requested solely to interpose delay. Appellant's counsel has inquired whether Respondent's counsel will object to the relief sought, and he has indicated that he will not.

Respectfully submitted,



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D. Alan Lazenby  
Ginger D. Goforth  
**LAZENBY LAW FIRM, LLC**  
PO Box 6099  
Spartanburg, SC 29304  
Phone: (864) 804-5050  
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January 13, 2015

**ATTORNEYS FOR APPELLANTS**

Other Counsel of Record:

Robert F. Goings  
P.O. Box 436  
Columbia, SC 29202

**ATTORNEY FOR RESPONDENT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Of whom,

Total, Inc., d/b/a Gault's Used Cars, d/b/a Gault's Auto Parts, d/b/a Gault's Used Cars and Auto Parts, d/b/a Gault's Used Cars and Motormaxx; Edward Keith Potter; and Michael Wayne Gault are . . . . . Appellants.

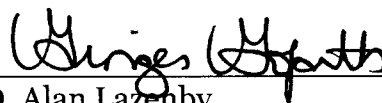
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**PROOF OF SERVICE**

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I certify that I have served the Motion to Serve Request for Transcript  
Outside of Time upon Robert F. Goings by depositing in US Mail to the addresses  
as follows:

Robert F. Goings  
P.O. Box 436  
Columbia, SC 29202



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D. Alan Lazenby  
Ginger D. Goforth  
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January 13, 2015

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ATTORNEYS AT LAW

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January 13, 2015

The Honorable Jenny Abbott-Kitchings  
SC Court of Appeals Clerk  
Post Office Box 11629  
Columbia, South Carolina 29211

**Re: *Dealer Services Corporation v. Total, Inc., et al.***  
**In the Court of Common Pleas for Cherokee County**  
**Appellate C.A. No: 2014-002467**


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Dear Ms. Abbott-Kitchings,

Enclosed for filing are an original and seven copies of a Motion to Serve Request for Transcript Outside of Time and Proof of Service in the above case. I also enclose my firm check in the amount of \$25 to cover the filing fee for same.

Please file the original and send a clocked copy back to me in the envelope I have enclosed for your convenience. I appreciate your assistance in this regard.

Sincerely,



Ginger D. Goforth  
[ginger@lazenbylawfirm.com](mailto:ginger@lazenbylawfirm.com)

GDG: jeh  
Enclosures  
cc: Robert S. Goings, Esquire

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JAN 15 2015

**SC Court of Appeals**

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THE HONORABLE JENNY ABBOTT KITCHINGS  
CLERK OF COURT FOR COURT OF APPEALS  
PO BOX 11629  
COLUMBIA SC 29211-1629

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JAN 15 2015  
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