

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

**RECEIVED**  
MAR 25 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 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 Floor plan, 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; Michael Wayne Gault are the ..... Appellants.

**DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL**

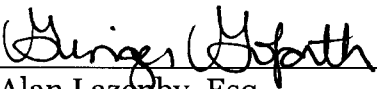
Appellant designates the following material to be included in the Record on Appeal:

1. October 14, 2014 Order Granting Summary Judgment
2. October 23, 2012 Bankruptcy Court Order

3. Complaint
4. Answer
5. Plaintiff's Motion for Summary Judgment
6. October 13, 2014 Hearing Transcript
7. Deposition of Michael Gault, pp. 56-67 and Exhibits thereto
8. Affidavit of Michael Gault and Exhibits thereto
9. Affidavit of Kathy Clark and Exhibits thereto

I certify that no information is included in this Designation that is irrelevant.

March 23, 2015

  
\_\_\_\_\_  
D. Alan Lazenby, Esq.  
Ginger D. Goforth, Esq.  
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**ATTORNEYS FOR APPELLANTS**

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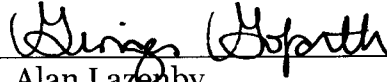
Of whom,

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; Michael Wayne Gault  
are the ..... Appellants.

**PROOF OF SERVICE**

I, the undersigned, hereby certify the Initial Brief of Appellant and Designation of Matter in the above referenced matter was mailed, postage prepaid, to Respondent's Attorney, Robert Goings on March 23, 2015 as follows:

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



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MAR 25 2015

SC Court of Appeals

March 23, 2015

The Honorable Jenny Abbott Kitchings  
SC Court of Appeals Clerk  
PO Box 11629  
Columbia, SC 29211

**Re: 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 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 Floor plan, 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; Michael Wayne Gault are the Appellants  
In the Court of Common Pleas for Cherokee County  
Appellant C.A. No: 2014-002467**

Dear Ms. Kitchings:

Enclosed for filing is an original and one copy of Appellants' Initial Brief and Designation of Matter in the above case. I also include a Proof of Service certifying service of these documents upon Robert Goings, Esq.

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: je  
Enclosures  
cc: Robert Goings, Esq. (via US Mail)