

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

APR 17 2017

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,

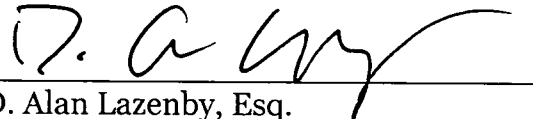
Total, Inc. d/b/a Gault's Used Cars d/b/a Gault's Auto Parts d/b/a Gault's Used Cars and Auto Parts d/b/a Gault's Used Cars and Motormaxx; Edward Keith Potter; Michael Wayne Gault
are the Appellants.

PETITION FOR REHEARING

The Court of Appeals filed its opinion in this matter on March 29, 2017. Appellants now petition the Court pursuant to Rule 221, SCACR, for rehearing on the grounds that the Court overlooked or misapprehended the following points:

- (1) The Court did not properly consider evidence that the parties entered into a separate and binding settlement contract;
- (2) The Court did not properly apply the scintilla of evidence standard;
and
- (3) The Court did not properly consider the strong public policy reasons to encourage and enforce settlement agreements.

Respectfully submitted,



D. Alan Lazenby, Esq.
LAZENBY LAW FIRM, LLC
PO Box 6099
Spartanburg, SC 29304
ATTORNEY FOR APPELLANTS

April 13, 2017

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

APR 17 2017

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,

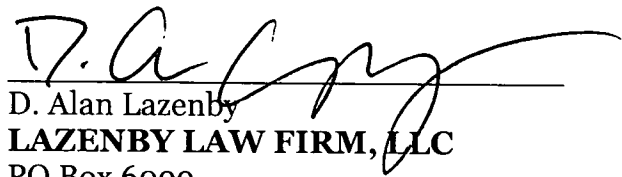
Of whom,

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.

PROOF OF SERVICE

I, the undersigned, hereby certify the Appellant's Petition for Rehearing in the above referenced matter was mailed, postage prepaid, to Respondent's Attorney, Robert Goings on April 13, 2017 as follows:

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



D. Alan Lazenby

LAZENBY LAW FIRM, LLC
PO Box 6099
Spartanburg, SC 29304
(864) 804-5050

ATTORNEY FOR APPELLANTS

LAZENBY LAW FIRM, LLC

ATTORNEY AT LAW

D. ALAN LAZENBY

ALSO LICENSED IN GA

POST OFFICE Box 6099 (29304)
175 MAGNOLIA ST, SUITE 101
SPARTANBURG, SC 29306
PHONE: 864-804-5050
FAX: 864-804-5051

April 13, 2017

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

RECEIVED

APR 17 2017

SC Court of Appeals

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

Dear Ms. Kitchings:

I enclose herewith an original and seven copies of a Petition for Rehearing on behalf of Appellant and Proof of Service for same. I also enclose my firm check in the amount of \$25.00 to pay for the filing fee. Please file the original and send a clocked copy back in the enclosed postage pre-paid envelope. I appreciate your assistance in this regard.

Very truly yours,



D. Alan Lazenby
alan@lazenbylawfirm.com

DAL: je

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