

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

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C/A No.: 2013-CP-11-0002  
Appellate Case No.: 2014-002467

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**RECEIVED**

APR 21 2017

SC Court of Appeals

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

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**RESPONDENT'S RETURN TO APPELLANTS'  
PETITION FOR REHEARING**

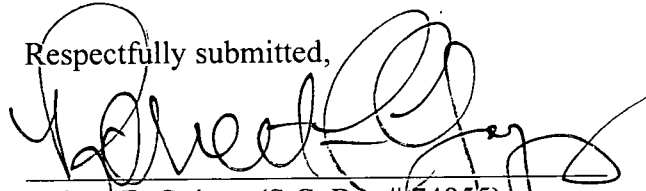
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Respondent respectfully submits that the Court of Appeals neither overlooked any arguments nor misapprehended any point of law in its opinion. The Court correctly held that no genuine issue of material fact exists as to whether DSC entered and breached any valid settlement agreement and correctly entered summary judgment in favor of DSC. Appellants' Petition for Rehearing should be denied.

**[SIGNATURE PAGE TO FOLLOW]**

Respectfully submitted,

By:



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**RESPONDENT'S RETURN TO APPELLANTS'  
PETITION FOR REHEARING**

Columbia, South Carolina  
April 19, 2017

THE STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**

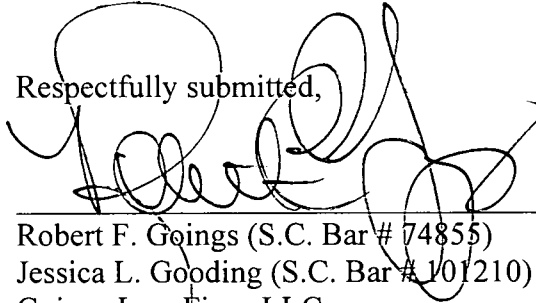
I certify that I have served Respondent's Return to Appellants' Petition for Rehearing upon Appellants by mailing a copy of the same, via United States Mail, on the date set forth below:

D. Alan Lazenby, Esquire  
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Respectfully submitted,



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April 19, 2017



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April 19, 2017

**VIA UNITED STATES MAIL**

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

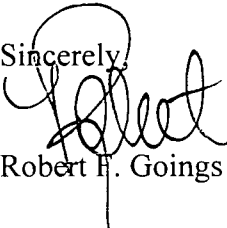
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SC Court of Appeals

Re: Dealer Services Corporation v. Total, Inc., et. al.  
Appellant Case No.: 2014-002467

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of Respondent's Return to Appellants' Petition for Rehearing in the above-referenced matter. Please return a filed, stamped copy of the Return to me in the envelope provided herein.

Thank you for your time and consideration. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,  
  
Robert F. Goings

RFG:lcc

Enclosures

cc: D. Alan Lazenby, Esquire  
Ginger D. Goforth, Esquire