

SOUTH CAROLINA

COURT OF COMMON PLEAS

DORCHESTER COUNTY

CASE # 2025 CP-180152

Statement for Courthouse (St. George)  
August 29, 2025

RECEIVED

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SC Court of Appeals

1. Defaults under Rule 55, SCRPC

Both Dorchester County and D.R. Horton were properly served in the Quiet Title Action. Neither filed a timely answer. Under Rule 55, South Carolina Rules of Civil Procedure, once a party is in default, they lose the right to file pleadings or motions until the default is first set aside.

Neither the County nor Horton has filed a Motion to Vacate Default. Their filings are untimely and improper, and Mr. Mitchell's failure to file within the deadline is now more than 11 days overdue.

2. Improper Motion to Dismiss

Despite being in default, Mr. Bradley Mitchell filed a Motion to Dismiss. This violates Rule 55 SCRPC, because a dismissal motion cannot be filed while a default is still in effect.

The correct procedure is:

- (a) file a Motion to Vacate Default,
- (b) obtain a ruling,
- (c) only then file any other pleadings. This procedure has not been followed.

3. Horton's Irregular Filing

D R Horton never filed anything on its own behalf. The County, through Mr. Mitchell, appears to be filing on D R Horton's behalf. This is improper because under Rule 12 SCRPC, each defendant must answer or move independently. One party cannot file pleadings for another.

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DORCHESTER COUNTY

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4. September 15th Hearing

A hearing is scheduled for September 15th, but under Rule 55(b)(2) SCRPC, the correct next step after default is *default judgment*, not a hearing on dismissal. Scheduling this hearing while both defendants remain in default is a violation of proper procedure.

Judge Murphy should not be presiding over this matter because of the conflict of interest already raised.

5. Record Irregularities

Every other party's record was updated by August 18th. Mr. Mitchell's entry remains incomplete and untimely, raising questions about improper handling of the record.

6. Accountability

These are clear violations of Rule 55 and Rule 12 SCRPC. All filings are required to be made in a timely fashion, and a delay of more than 11 days is unacceptable.

If these defaults and irregularities are ignored, they will be reviewed by the South Carolina Court of Appeals.

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