

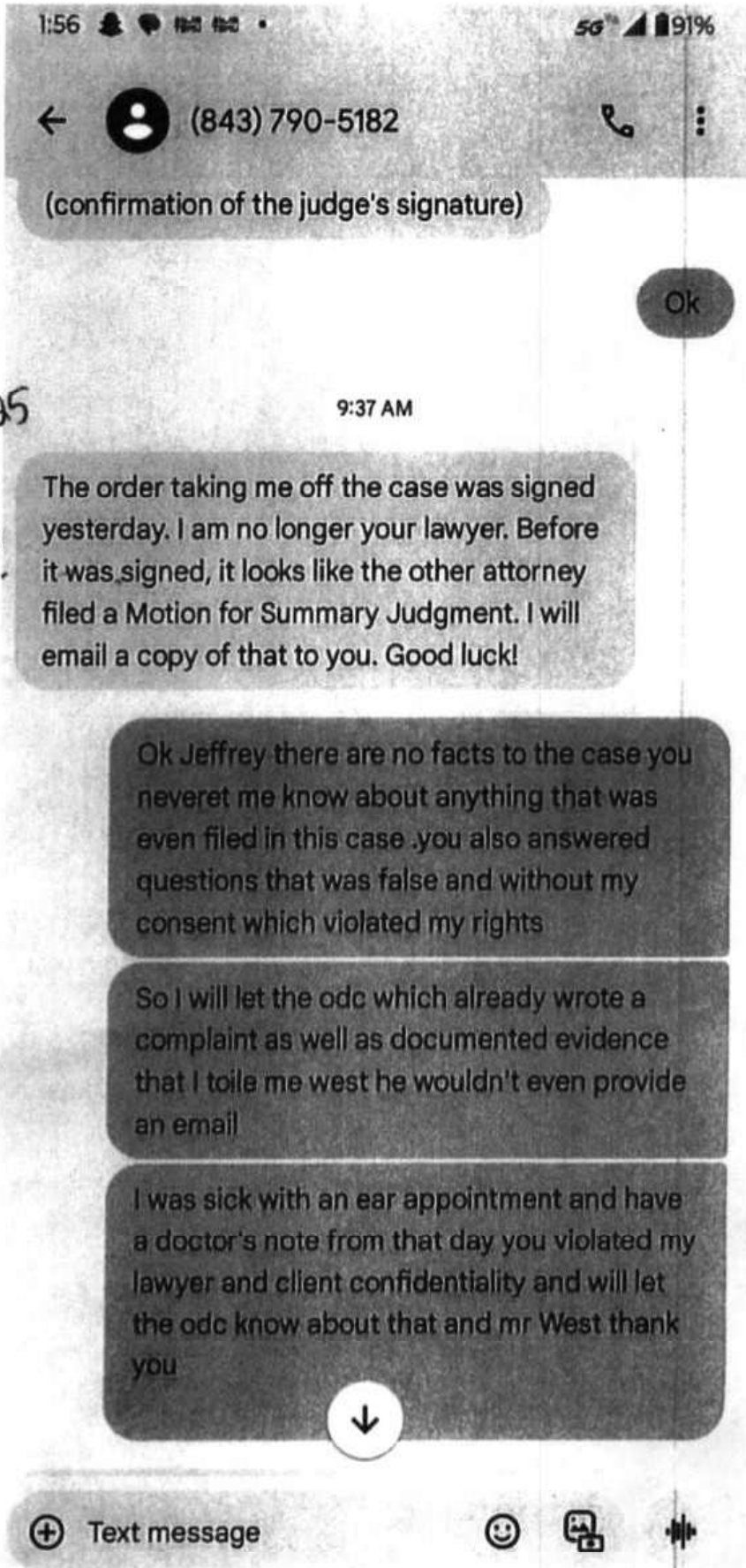
RECEIVED

Oct 27 2025

SC Court of Appeals

Exhibit P

Jeffrey
Kuykendall
Phone
this is
on
March 24th 2025
text
message!



1:56

5G 91%

(843) 790-5182

(confirmation of the judge's signature)

Ok

9:37 AM

The order taking me off the case was signed yesterday. I am no longer your lawyer. Before it was signed, it looks like the other attorney filed a Motion for Summary Judgment. I will email a copy of that to you. Good luck!

Ok Jeffrey there are no facts to the case you never let me know about anything that was even filed in this case. you also answered questions that was false and without my consent which violated my rights

So I will let the odc which already wrote a complaint as well as documented evidence that I told me west he wouldn't even provide an email


I was sick with an ear appointment and have a doctor's note from that day you violated my lawyer and client confidentiality and will let the odc know about that and mr West thank you

+ Text message



In the honorable Court of Common Pleas Berkeley County
Case # 2024-cp-0803108

Plaintiffs
David Hayes
Brooks A Hayes
Attorney for Plaintiffs
John West
207 Carolina Ave
Moncks Corner, S.C. 29461

FILED 
2025 SEP 30 AM 9:25
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

Motion for relief
from judgement
Pursuant to SCRCP
Rule 60(b)(1) and
SCRCP 60(b)(3)
and 59(e)

Defendant
Miranda Mitchum
630 Levee Drive
Moncks Corner, S.C.
29461

Comes now I Miranda Mitchum the defendant
in the above captioned matter and respectfully moves
this honorable court for an order to set aside the
summary judgement entered on Sept. 29, 2025. This motion is
based on grounds of excusable neglect pursuant to
SCRCP Rule 60(b)(1) and is supported by the
attached Affidavit of Miranda Mitchum and all other
readings on file.

1. Facts of excusable neglect. I Miranda Mitchum, movant
through no fault of my own did not get to respond
to the lawsuit or even know about a lawsuit even
filed. Former attorney I had Jeffrey Kykendall
did not inform me about the summons and complaint
filed on 11/4/2024. I found out about the case in
March of 2025. Jeffrey Kykendall submitted answers
to the complaint that I did not know about or
agree to. I attached in Exhibit P along with this. Also
I told the Judge and submitted prior evidence as well.
text messages. I told the honorable judge T.J. Rode
on Sept 5, 2025 as well. I released Jeffrey Kykendall as soon
as I knew he did that.

2. Lack of communication. From the onset of the
case, former counsel failed to inform the movant
that the lawsuit had been filed and served. I
Miranda Mitchum did not know or aware about
the answers filed until March of 2025.

3. supporting evidence. I the movant have text messages attached in exhibit P. In these text messages I told my former attorney Jeffrey Kykendall that he did not inform me and answered questions without my consent.

4. unauthorized filings. Further, without the movant's knowledge or consent former attorney Jeffrey Kykendall answered questions on my behalf I did not consent or know about.

Relief I am asking the court to vacate judgement under 60(b)(1).

On motion and Rule 60(b)(3)
fraud and misrepresentation

1. I Miranda Mitchum movant move to vacate the judgement entered on Sept 29 2025. due to fraud and misrepresentation by the Plaintiff David Hayes under Federal Rule of Civil Procedure 60(b)(3)

In 2018 I Miranda Mitchum entered a option to purchase with David Hayes, but the Plaintiff was not the actual owner at that time.

This misrepresentation was carried forward to 2022 contract of sale, I relied on the plaintiffs misrepresentation of ownership in 2018 which fraudulent inducement led to the contract in 2022. The fraud, in ~~rule~~ ^{60(b)(3)} Rule 60(b)(3)

In my relief under Grounds in pursuant to Rule 60(b)(3) I would like to vacate judgement for fraud this constitutes a material misrepresentation. I relied on this misrepresentation to my detriment.

I demand and move to vacate the judgment under Rule (60)(b)(1) and 60(b)(3).

I miranda Mitchum under Rule SCRCP 59(e) move to Amend judgement

I miranda Am Mitchum would like the court to Alter or Amend judgement under Rule 59(e) motion to challenge new evidence and manifest error of law or fact. The court of common Pleas Berkeley county made a clear error of law or fact by considering evidence that was submitted without the opportunity for me to review or challenge violating my rights to a fair proceeding. I did not have a chance to respond to the new evidence. which a court should not rely on. A title was submitted after summary judgement on Sept 8, 2025. The statement of summary judgement was entered at 10:49 am on Sept 8, 2025. the title was submitted after summary judgement at 11:03 am after summary judgement. the court demonstrated prejudice in my case, regarding particularly the title and the ownership issue. Also to make clear the statement of judgement issued on Sept 8 2025 says that the court granted plaintiffs summary judgement orally that was not granted orally on Sept 5 2025 when both parties attended court in person. under Rule SCRCP 59(e) I move to Amend judgement.

Certificate of service
I miranda Mitchum certify that
on Sept 29, 2025

I sent a copy United States
Postal service for Plaintiffs
David Hayes
Brook Hayes
Attorney for Plaintiffs
John West
207 Carolina Ave
Moncks Corner, SC
29461

Miranda Mitchum
Miranda Mitchum
630 Levee Drive
Moncks Corner, SC
29461
843 609 4320