

In the
Appeals

honorabile Court of South Carolina

Court of

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

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Oct 27 2025

SC Court of Appeals

vs

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

Appellate case # 2025-001820
Berkeley County Common Pleas case # 2024-0803108

Emergency motion to waive or stay
Bond and for Review of Lack of
Personal Jurisdiction

Now Comes the Appellant Miranda Mitchum
and respectfully moves this Court for an
Emergency order to waive and stay any
requirement for a supersedeas bond
during the pendency of this appeal. In
support of this motion, Appellant states the
following:

1. Appellant was never properly served
in the underlying action. A final judgement
was entered, and the lower court has
exhibited prejudice against the Appellant
by denying (b)(1) motion and refusing
to grant a stay. As a result, it is
impracticable to seek a bond waiver from
the trial court. The appeals court should
grant this emergency motion to preserve

the status quo and address the fundamental issue of jurisdiction.

• Appellate court's Authority: Under South Carolina Rule of Civil Procedure (SCRPC) 62g the appeals court has the power to grant a stay and issue any order appropriate to preserve the status quo during an appeal. The rule also states that while application for relief should generally go to the trial court first, it can be made directly to the appeals court "when such application is not practicable".

• South Carolina Appellate Court Rules (SCACR) 241 governs applications for stays from the Appellate Court. It states that an application should first be made in the lower court, except where extraordinary circumstances make it impracticable. The denial of a stay by the trial court is an essential part of establishing this impracticability.

• The bond is an abuse of discretion because the trial court lacks jurisdiction. Without proper service the court never had jurisdiction. The Berkeley County Common Pleas can only make orders concerning parties over whom it has jurisdiction.

• The bond creates a manifest of injustice.
• Void judgement Due to lack of jurisdiction. A judgement entered by a court that lacks jurisdiction over a party is a void judgement.

• A judgement was entered against the Appellant in the lower court.

Appellant filed a motion to set it aside under Rule 60(b)(1) arguing improper service and excusable neglect. Attached in exhibit P is the motion I filed with the lower court and evidence.

The lower court honorable judge Thomas Rode denied the Rule 60(b)(1) motion despite evidence of improper service.

The lower court denied my motion and stay.

Appellate court intervention is appropriate due to extraordinary circumstances. Appellant has already been prejudiced by the lower court's denial of Rule 60(b)(1) which challenged the validity of the judgement based on lack of personal jurisdiction. The lower court's subsequent denial of a stay demonstrates that seeking a bond waiver from the same court would be impracticable and futile, thereby meeting the extraordinary circumstance standard of SCACR 24(1) and SCRCP 62(g).

No Bond should be required where the underlying judgement is void. The entire basis of this appeal is that the lower court never acquired personal jurisdiction over the Appellant due to improper jurisdiction and improper service of process. A judgement entered without proper jurisdiction is void. A supersedeas bond is meant to secure a valid judgement during appeal. It would be fundamentally unjust and illogical to require a bond to secure a judgement that is void.

Not only under the constitutional fourth amendment of proper service but also Civil Rules and procedures.

A stay has been granted by the honorable South Carolina Court of Appeals. And also evidence of my hardship of taking care of my mother who had a stroke and lives with me. I am her caretaker and a single mother of my children.

The honorable court of South Carolina court of Appeals has the power to preserve the status quo. The appeals courts power under SCRCP 629 to make any order appropriate to preserve the status quo. is not limited by the lower courts rulings.

The appeals court can and should exercise this authority to waive bond requirement ensuring the appellants appeal proceeds on the merits.

A lack of proper service means that the court had no authority over me making a bond requirement improper and impractical.

The bond creates a manifest of injustice and an abuse of discretion.

Prayer for relief

Wherefore Miranda Mitchum respectfully requests that this honorable court.

issue an order immediately waiving the bond pending appeal of this matter.

Grant relief as the court may deem just and proper thank you god bless

Miranda Mitchum
Miranda Mitchum
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Moncks Corner, SC
29461
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843-6094320
Oct 26, 2025

In the honorable court of South Carolina Court of Appeals

Case # 2025-001820
Berkeley county common Pleas case # 2024-0403108

Miranda Mitchum Appellant
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Moncks Corner, S.C.
29461

vs.
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Attorney for Respondents
John West
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Moncks Corner, SC.
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Oct 27 2025

SC Court of Appeals

Certificate of Service

I hereby certify that on Oct 2025 I served a true and accurate copy of the attached motion to waive or stay bond for Review of Lack of Personal Jurisdiction to the following parties by depositing it in the USPS to the following address as shown below

Respondent
John West
207 Carolina Ave
Moncks Corner, SC.
29461

Miranda Mitchum
Miranda Mitchum
630 Levee Drive
Moncks Corner, SC.
29461

Miranda Mitchum 392 @
gmail.com
843-609-4320

In the honorable Court of South Carolina Court of Appeals

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