

Money order statement
for Emergency motion to vacate
lower court judgement and
dismiss for lack of subject
matter

I will be making 50 dollars
USPS mail thank you

[Handwritten signature]

Dec 29, 2025

RECEIVED

Dec 29 2025

SC Court of Appeals

In the
of Appeals

honorabile South Carolina Court

Case # 2025-001820

lower court case # 2024-cp-0803108

Miranda Mitchum Appellant

630 Levee Drive

Moncks Corner, SC

29461

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Dec 29 2025

SC Court of Appeals

vs

David Hayes Respondents

Brooks Hayes

Attorney for Respondents

John West

207 Carolina Ave

Moncks Corner, SC

29461

Emergency motion to vacate
lower court judgement and
dismiss for lack of subject matter
(due to failed statutory and common
law standing) a jurisdictional prerequisite
that deprived the court of subject
jurisdiction)

I Miranda Mitchum the Appellant herein, moves
this honorable court to vacate the judgement
of the lower court case # 2024cp 0803108
in Berkeley County Common Pleas and to
dismiss the action for lack of subject
matter jurisdiction and standing pursuant

to Rule 60(b)(4) SCRCP and 12(b)(1) SCRCP dismissal for lack of subject matter and the inherent power of the court to address jurisdictional defects at any time. The lower court entered a judgement in a case where the Plaintiffs lacked proven ownership of the subject matter, thereby failing to establish standing. Lack of subject matter jurisdiction renders the lower courts judgement void. Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the courts shall dismiss the action. Further briefing and a full hearing on the merits of a void judgement would be a waste of judicial resources. The appellant seeks an order from this court vacating the lower courts judgement and remanding the case back with instructions to dismiss the original action for lack of subject jurisdiction.

Memorandum and authorities in support of motion

Subject matter jurisdiction is non-waivable. The lower court lacks subject matter, then the action should be dismissed under 12(b) and 606(4). Lack of Proven standing, standing is a jurisdictional requirement. The Respondents did not prove they legally own the title or have a valid interest in the property. they lack the legal standing to bring the claim or judgement in their favor. The Respondents failed to provide legally sufficient evidence such as proper and valid title with source of title. Also unauthenticated by no supporting affidavit to validate rightful ownership. The Respondents filed a blackened out title number with a black marker which is inadmissible under Rules 901 and Rule 1002 of admissibility. This was filed 14 minutes after interdictory order. Thus without the opportunity for me to see

In the honorable South Carolina Court of Appeals
Case # 2025-001820
lower court case # 2024-cv-0803108

Miranda Mitchem Appellant
630 Levee Drive
Moncks Corner, SC
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SC Court of Appeals

vs

David Hayes Respondents
Brooks Hayes
Attorney for Respondents
John West
207 Carolina Ave
Monck Corner, SC
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Certificate of Service

I hereby certify that on Dec. 29, 2025
I served a true and correct copy of the
following Motion to vacate lower court
judgement and dismiss for lack
of subject matter

to the following individuals through the United
States mail for counsel

David Hayes
Brooks Hayes
Attorney for Respondents
John West
Carolina Ave
Moncks Corner, SC
29461

I declare under penalty of perjury the
foregoing is true and correct

Dec 29, 2025
Miranda Mitchem
630 Levee Dr
Moncks Corner, SC
29461