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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Commons Pleas

Hon. T.J. Rode

Case No. 2024-CP-08-3108
Appellate Case No.: 2025-001820

David Hayes and Brooks A. Hayes.....Respondents

vs.

Miranda Mitchum.....Appellant

RESPONDENTS' MOTION TO DISMISS

Respondents herein, by and through their undersigned counsel, hereby move this Honorable Court to dismiss Appellant's appeal for failure to comply with the statutory requirements to post proper undertakings with sufficient sureties to perfect an appeal as directed by Order of the Circuit Court dated December 22, 2025.

This motion is supported by Respondents' Memorandum In Support of Respondents' Motion To Dismiss and accompanying exhibits filed and served contemporaneously herewith.

Respectfully submitted,



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March 23, 2026

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Commons Pleas

Hon. T.J. Rode

Case No. 2024-CP-08-3108
Appellate Case No.: 2025-001820

David Hayes and Brooks A. Hayes.....Respondents

vs.

Miranda Mitchum.....Appellant

MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION TO DISMISS

I. INTRODUCTION

Respondents submit this memorandum in support of their motion to dismiss the Appellant's appeal from a Circuit Court Order For Summary Judgment, due to her failure to post an appeal bond.

II. BACKGROUND

Circuit Judge Thomas Rode granted Respondents' motion for summary judgment by order dated September 29, 2025. *Exhibit "A"*.

Appellant attempted to notice her appeal to this Court before Judge Rode's formal order was entered. She later filed an amended notice of appeal.

By Order of the Court of Appeals filed October 22, 2025, the matter was remanded to the circuit court for an expedited hearing on Appellant's motion to stay and determination of any appeal bonds for the eviction and money judgment. *Exhibit "B"*.

Pursuant to this Court's directive, a hearing was noticed and held on December 15, 2025, before Circuit Judge Rode. On December 22, 2025, Judge Rode entered his Order Denying Appellant's Motion To Vacate and Setting An Appeal Bond. *Exhibit "C"*. Appellant was given twenty (20) days from December 22, 2025, to post the appeal bond.

On January 9, 2026, Appellant filed a petition in the United States Bankruptcy Court District of South Carolina. This Court advised Appellant of deficiencies which she attempted to cure. Appellant's bankruptcy filing stayed all civil proceedings.

On March 19, 2026, US Bankruptcy Judge Jefferson Davis, IV entered his Order Dismissing Case due to misrepresentations by the Appellant to the Court and material failures as set forth in the Order. *Exhibit "D"*.

Appellant has neglected, refused and failed to post an appeal bond. *Exhibit "E"*.

III. ARGUMENT

Judge Rode based his December 22, 2025, Order on the applicable appellate court rules and the statutory law in this state. A summary of the law is set forth in “*Exhibit F*”. At or before the December 15, 2025 hearing Appellate did not submit any contrary rule or statute. That Order has not been appealed.

IV: CONCLUSION

Given the Circuit Court’s clear and unambiguous mandate regarding the posting of an appeal bond and Appellant’s failure to adhere to the same and upon the well-settled and uncontroverted law on the subject, Respondents respectfully submit that this Court must dismiss Appellant’s appeal as unperfected.

Respectfully submitted,



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March 23, 2026

Other Party of Record:

Miranda Mitchum, *pro se*
630 Levee Drive
Moncks Corner, SC 29461

EXHIBIT "A"

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS)
CIVIL ACTION NO. 2025-CP-08-3108)

DAVID HAYES and BROOKS A.)
HAYES,)

ORDER FOR SUMMARY JUDGMENT

Plaintiffs,)
vs.)

MIRANDA MITCHUM,)

Defendant,)
_____)

PROCEDURAL BACKGROUND

On November 4, 2024, Plaintiffs commenced the instant action by the filing and service of a Summons and Notice and Complaint wherein they seek, *inter alia*, a declaratory judgment terminating a contract between the parties; for judgment for monies owed them by the Defendant and for certain incidental relief.

On December 9, 2024, Defendant filed her Answer by and through her attorney Jeffrey W. Kuykendall.

Attorney Kuykendall was thereafter relieved as counsel by order filed March 25, 2025.

Defendant did not engage substitute counsel and is *pro se*.

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs' filed their Motion for Summary Judgment on March 24, 2025. Their motion came before the Court for hearing pursuant to notice at the Berkeley County Courthouse on September 5, 2025.

Present at hearing were Plaintiffs' attorney John S. West, Esq. of the West Law Firm, PA of Moncks Corner and Defendant without counsel.

In support of their motion Plaintiffs submitted their Memorandum in Support of Motion for Summary Judgment, along with their affidavit and various exhibits, all made a part of the record.

Defendant submitted her Memorandum in Opposition to Plaintiffs' Motion For Summary Judgment and no affidavit(s).

From the pleadings, filings and the proceedings before me and based upon arguments by counsel and the Defendant in open court, I find and conclude as follows:

FINDINGS OF SALIENT FACTS

1. The salient facts which I find herein are uncontroverted.
2. The subject matter herein involves a South Carolina Public Service Authority (Santee Cooper) leased lot held by Plaintiff Brooks A. Hayes and a 1999 Clayton Phoenix mobile home owned by David Hayes, together, ("Subject"), the same located at 630 Levee Drive, Moncks Corner, Berkeley County, South Carolina. This averment was alleged in Plaintiffs' Complaint and admitted in Defendant's Answer.
3. On December 13, 2022, the parties entered into an Installment Contract of Sale, ("Contract'), in writing whereby the Plaintiffs, together therein "Seller" and the Defendant therein "Buyer" agreed to the purchase and sale of the Subject for the purchase price of \$62,994.77 on terms and conditions as therein contained. This averment was alleged in Plaintiff's Complaint and admitted in Defendant's Answer.

4. Defendant has been and is now in possession of the Subject upon the Contract since January 1, 2023. This averment was alleged in Plaintiff's Complaint and admitted in Defendant's Answer.
5. Buyer commenced payments on the Contract on January 1, 2023. She made payments on the Contract until the September 1, 2023, payment. This averment was alleged in Plaintiffs' Complaint and admitted in Defendant's Answer.
6. Defendant has not made payment on the Contract since the September 1, 2023, payment. This averment was alleged in Plaintiff's Complaint and supported by Plaintiffs' Affidavit and Verified Statement of Account. Defendant has produced no evidence to the contrary.
7. There is a balance due and owing the Seller under the Contract for missed payments, accrued interest, late fees, lease fees, property taxes and insurance and related charges per the Contract. This averment was alleged in Plaintiffs' Complaint and admitted in Defendant's Answer.
8. As of the date of hearing, the specific balance due Plaintiffs under the Contract is \$25,622.40, as reflected on Plaintiffs' Amended Supplemental Affidavit and Verified Statement of Account of record.
9. Plaintiffs have provided all required notices to Defendant. This averment was alleged in Plaintiff's Complaint and supported by an exhibit. Defendant has produced no evidence to the contrary.
10. Defendant neglected, refused and failed to cure any default on the Contract. She has been and is in default on the Contract. This averment was alleged in Plaintiffs' Complaint and admitted in Defendant's Answer.

CONCLUSIONS OF LAW

Summary Judgment Standard

Under *Rule 56, SCRCP*, summary judgment is proper when both:

- (a) No genuine issue as to any material fact exists, and
- (b) The moving party is entitled to judgment as a matter of law.

In making the determination of whether or not any triable issue of fact exists, the evidence and all inferences that can reasonably be drawn must be viewed in the light most favorable to the nonmoving party. Summary judgment should not be granted if further inquiry into the facts is desirable to clarify the application of the law.

To prevail on a summary judgment motion, the moving party has to show that there is no genuine issue as to any material fact. To determine whether any trial issues of fact exist for summary judgment purposes, the evidence and all inferences which can reasonably be drawn from the evidence must be viewed in the light most favorable to the non-moving party. *Carolina Convenience Stores, Inc. v. City of Spartanburg*, 398 S.C. 27, 727 S.E.2d 28 (Ct. App. 2012).

Summary judgment has been held to be appropriate only when plain, palpable and undisputed facts exist on which reasonable minds cannot differ. *Bessinger v. Bi-Lo*, 329 S.C. 617, 496 S.E.2d 33,34 (Ct.App.1998).

In cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment. *Hancock v. Mid-South Mgmt.*, 381 S.C. 326, 673 S.E. 2d 801, 803 (2009). A scintilla of evidence is material evidence which, taken as true, would tend to establish the issue in the mind of a reasonable juror.

In *Gibson v. Epting*, 426 S.C. 346, 827 S.E. 2d 178 (Ct. App. 2019), in discussing the

scintilla rule, the Court observed, “the summary judgment standard governing Gibson’s claims requires her to produce only a “scintilla” of evidence to avoid judgment as a matter of law, but a scintilla is a perceptible amount. There still must be a verifiable spark, not something conjured by shadows. Bethea v. Floyd, 177 S.C. 521, 529, 181 S.E. 721, 724 (1935) (“‘Scintilla’ means, according to 56 C. J. 863, ‘a gleam,’ ‘a glimmer,’ ‘a spark,’ ‘the least particle,’ ‘the smallest trace.’ ”); Crosby v. Seaboard Air Line Ry., 81 S.C. 24, 31–32, 61 S.E. 1064, 1067 (1908) (“[A] scintilla of evidence is any material evidence which, taken as true, would tend to establish the issue in the mind of a reasonable juror.”); Scintilla, The Oxford English Dictionary (2nd ed. 2018) (“A spark ... a minute particle, an atom.”); see Russell v. Wachovia Bank, N.A., 353 S.C. 208, 220, 578 S.E.2d 329, 335 (2003) (“When opposing a summary judgment motion, the nonmoving party must do more than ‘simply show that there is a metaphysical doubt as to the material facts but must come forward with specific facts showing that there is a genuine issue for trial.’ ” (citations omitted)); Grimsley v. S.C. Law Enf’t Div., 415 S.C. 33, 42, 780 S.E.2d 897, 901 (2015) (affirming trial court’s grant of summary judgment and noting court of appeals improperly “cherry-picked” an isolated portion of the record, placed it out of context, and “elevated what is, at best, a metaphysical doubt into a genuine issue of material fact”); Main v. Corley, 281 S.C. 525, 527, 316 S.E.2d 406, 407 (1984) (“The judge is not required to single out some one morsel of evidence and attach to it great significance when patently the evidence is introduced solely in a vain attempt to create an issue of fact that is not genuine.”); Beale v. Hardy, 769 F.2d 213, 214 (4th Cir.1985) (explaining that party opposing summary judgment “cannot create a genuine issue of material fact through mere speculation or the building of one inference upon another”). A non-moving party cannot evade summary judgment by creating and relying on “an inference that is not reasonable or an issue of fact that is not genuine. Town of Hollywood v. Floyd, 403 S.C. 466, 744 S. E, 2d 161, 166 (2013). When a motion for summary judgment is supported by affidavit(s), the nonmoving party cannot rest on the general denials of its answer, but must show that there is a genuine issue of material fact, through its own affidavits. Rule 56(e), SCRCP.

APPLICATION OF THE SUMMARY JUDGMENT STANDARD

Applying the summary judgment standard to the fully developed record before me on Plaintiffs’ declaratory judgment cause of action for termination of the Contract, I find and conclude

that there is no genuine issue regarding any material fact as to the existence of a contract and the breach thereof by the Defendant. Plaintiffs are entitled to judgment as a matter of law that the Contract should be terminated and that the Defendant and all others claiming by, through or under her be forever barred and foreclosed from any right, title, interest and equity of redemption in the Subject.

Applying the summary judgment standard to the fully developed record before me on Plaintiffs' cause of action for monies owed on the Contract, I find and conclude that there is no genuine issue as to any material fact regarding the validity of the obligation of the Defendant to pay the Plaintiffs the total sum of \$25,622.40 through September 5, 2025. Plaintiffs are entitled to judgment as a matter of law against the Defendant in the total amount \$25,662.40 through September 5, 2025.

Having made, declared and determined that Plaintiffs are entitled to the relief set forth herein, I further find and conclude that the Sheriff of Berkeley County should be ordered and directed to immediately eject and remove from the Subject any and all occupant(s), together with all personal property located therein and thereon and put the Plaintiffs in full, quiet and peaceable possession of the Subject without delay and to keep the Plaintiffs in peaceable possession thereof.

ORDER

Based upon the findings of salient facts hereinabove set forth and the conclusions of law, it is ordered, adjudged and decreed that Plaintiffs' motion for summary judgment be and hereby is **GRANTED** in full and in the following particulars:

1. The Contract be, and the same hereby is, terminated;
2. Defendant and all others claiming by, through or under her are forever barred and foreclosed from any right, title, interest and equity of redemption in the Subject;
3. Judgment, be and hereby is, entered in favor of the Plaintiffs against the Defendant in the amount of \$25,622.40 through September 5, 2025; and
4. The Sheriff of Berkeley County be, and hereby is, ordered and directed to immediately eject and remove from the Subject any and all occupant(s), together with all personal

property located therein and thereon and put the Plaintiffs in full, quiet and peaceable possession of the Subject without delay and to keep the Plaintiffs in peaceable possession thereof.

AND IT IS SO ORDERED.

JUDGE'S SIGNATURE AFFIXED HERETO ELECTRONICALLY



Berkeley Common Pleas

Case Caption: David Hayes , plaintiff, et al VS Miranda Mitchum
Case Number: 2024CP0803108
Type: Order/Summary Judgment

So Ordered

s/ T.J. Rode (#2792)

EXHIBIT "B"

The South Carolina Court of Appeals

David Hayes and Brooks A. Hayes, Respondents,

v.

Miranda Mitchum, Appellant.

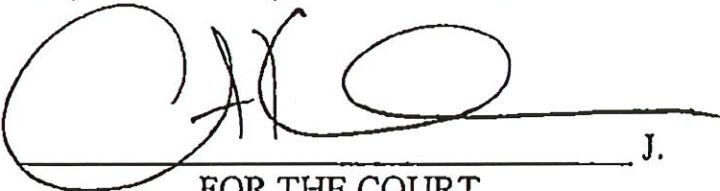
Appellate Case No. 2025-001820

ORDER

On September 8, 2025, Appellant filed a notice of appeal from a Form 4 circuit court order that indicated it was not the final order. On October 9, 2025, Appellant sought to amend her notice of appeal to include the circuit court's September 29, 2025 final order that (1) granted summary judgment in favor of Respondents on their declaratory judgment action for termination of the contract between the parties; (2) bared and foreclosed Appellant from any right, title, interest and equity of redemption in the mobile home and leased lot; (3) determined the judgment entered in Respondents' favor in the amount of \$25,622.40 through September 5, 2025; and (4) ordered and directed the local sheriff to immediately eject and remove from the mobile home and leased lot all occupants and their personal property. After careful consideration, the motion to amend the notice of appeal is granted.

On October 21, 2025, Appellant moved to stay the September 29, 2025 order pending the appeal. After careful consideration, Appellant's motion to stay the eviction and money judgment is temporarily granted. We remand this case to the circuit court for an expedited hearing on Appellant's motion to stay and determination of any appeal bonds for the eviction and money judgment. This remand to the circuit court will not put the appeal in abeyance. *See* S.C. Code Ann. § 27-47-110 (2007) ("The provisions of the Residential Landlord and Tenant Act in Chapter 40 of Title 27 shall apply to tenancies in manufactured home parks if such application is not inconsistent with or contrary to the provisions of th[e] South Carolina Manufactured Home Park Tenancy Act."); S.C. Code Ann. § 27-40-800(f)(1) (2007) ("Upon appeal to the [s]upreme [c]ourt or to the court of

appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. The judge of the court having jurisdiction shall order stay of execution upon the undertaking."); S.C. Code Ann. § 18-9-130(A)(1) (2014) ("A notice of appeal from a judgment directing the payment of money does not stay the execution of the judgment unless the presiding judge before whom the judgment was obtained grants a stay of execution."). Appellant shall provide this court with status updates every thirty days. Further, Appellant shall provide this court with a copy of the circuit court's order ruling on the motion to stay and request for appeal bonds within ten days of receiving notice of the order. Appellant's failure to provide this court with status updates every thirty days or to provide this court with the circuit court's ruling within ten days of receiving notice of the order will result in dismissal of this appeal.


_____. J.
FOR THE COURT

Columbia, South Carolina

cc:
Miranda Mitchum
Chad D. Shelton, Esquire
John Samuel West, Esquire
The Honorable Thomas J. Rode
The Honorable Leah Guerry Dupree

FILED
Oct 22 2025

EXHIBIT "C"

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 2024-CP-08-3108

DAVID HAYES and BROOKS A.
HAYES,

Plaintiffs,

vs.

MIRANDA MITCHUM,

Defendant.

ORDER DENYING MOTION TO
VACTAE AND SETTING APPEAL BOND

This matter, which is currently pending before the South Carolina Court of Appeals was before the Court on December 15, 2025, on two issues (1) Defendant's motion to vacate the prior summary judgment order which is pending appeal, and (2) whether to issue a stay of execution of that judgment pending appeal and/or whether to issue an appeal bond.

BACKGROUND/TIMELINE

This matter concerns Plaintiff's efforts to take possession of land and property occupied by Defendant. The matter was initially before the Court in September on Plaintiff's Motion for Summary Judgment. On Sept. 8, 2025, the Court issued a Form 4 Order requesting Plaintiff prepare a formal written order granting summary judgment. This Form 4 Order stated it was not a final order. Nonetheless, and unbeknownst to the Court, on Sept. 8, 2025, the Defendant filed a notice of appeal of this non-final order with the South Carolina Court of Appeals.

On Sept. 29, 2025, this Court issued a final written order granting summary judgment.

The following day, on Sept. 30, 2025, Defendant filed three motions: (1) A motion for relief under Rule 60 of the Federal Rules of Civil Procedures; (2) a motion for relief under Rule 60 and 59(e) of the South Carolina Rules; and (3) a motion to stay execution of judgment pending a ruling on the Rule 59 motion.

On October 21, 2025, the Court issued an order denying Defendant's motions under Rules 60 and 59. The same day, the Court also issued an order denying Defendant's request to stay execution of the judgment pending the Rule 59 motion as moot because the Court had already ruled on Defendant's Rule 59 motion.

On October 22, 2025, the South Carolina Court of Appeals issued an order directing this Court to hold and expedited hearing on a motion to stay execution of judgment and/or for appeal bond that Defendant had filed with the Court of Appeals. Until this Order was issued the Court

was not aware that Defendant had appealed its non-final rulings or requested a stay pending appeal. Nonetheless, the Court scheduled an expedited hearing on Defendant's request for a stay or appeal bond for November 12, 2025. After this hearing was scheduled, Defendant made additional filings in the Court of Appeals.

On November 7, 2025, Defendant filed (with this Court) a motion to continue the November 12, 2025, hearing that was ordered by the Court of Appeals. Ostensibly Defendant claimed this continuance was necessary because she believed it would be premature for this Court to address the issue of a stay and/or appeal bond before the Court of Appeals addressed Defendant's various interceding filings.

On November 10, 2025, the Court of Appeals issued a Superseding Order which indicated it would address Defendant's interceding filings in due course but specifically directed: "The circuit court hearing scheduled for November 12, 2025, shall proceed as Ordered."

Accordingly, Plaintiff's counsel and the Court appeared for the expedited hearing regarding a stay and/or appeal bond pursuant to the Court of Appeals' Order. However, the Defendant did not appear. The Clerk's office notified the Court that it received a message from Defendant just minutes before the scheduled hearing stating that Defendant would not be able to attend the hearing for undisclosed medical reasons. Therefore, this Court continued the motion to the December 15, 2025, docket.

Before the rescheduled hearing, on December 3, 2025, Defendant filed a motion to vacate the Court's prior order granting summary judgment. Therefore, this motion was also added to the roster for December 15, 2025.

SUMMARY OF THE DECEMBER 15, 2025, HEARING

On the morning of the hearing, the Court was informed that between November 26, 2025, and December 3, 2025, the Defendant filed multiple papers with the Supreme Court of South Carolina. A review of the C-Track public index indicates several of these filings appear similar to the motion to vacate that Defendant filed with this Court. The main focus of the arguments the Defendant makes in many of her most recent filings (in this Court and the Supreme Court) concern complaints about the conduct of her prior attorney.

For context, it is relevant that at the commencement of this action, Defendant was represented by an attorney, and this attorney and Plaintiff's counsel were in communication regarding this lawsuit. In those communications Defendant's attorney informed Plaintiff's counsel, via email, that he was authorized to accept service of the summons and complaint on Defendant's behalf, and Defendants' attorney signed an acceptance of service which is filed in the public index. Defendants' attorney also timely answered the Complaint. In this answer, Defendant admitted certain allegations that were relevant to the Court's grant of summary judgment. The Defendant later terminated her attorney and proceeded *pro se*.

At the hearing there were two issues before the Court. The first concerned Defendant's arguments about why this Court should vacate the summary judgment order that is pending on appeal. The second was whether to issue a stay and/or appeal bond. On this point the Court notes that Defendant has not seemingly filed a motion requesting an appeal stay or bond in this Court. However, the Court is entertaining this motion pursuant to the Order issued by the Court of Appeals. The Court addresses these two issues as follows:

1. Defendant's Motion to Vacate is Denied because this Court lacks jurisdiction.

The Defendant's motion to vacate the Court's summary judgment order appears to be based on Rules 5, 12, 41 and 60(b) of the South Carolina Rules of Civil Procedure, as well as Rule 62.1 of the Federal Rules of Civil Procedure. The crux of Defendant's argument, as she explained at the hearing, concerns what she claims to be improper conduct of Plaintiff's counsel. Specifically, Defendant argues that once she terminated her previous attorney, Plaintiff's counsel was obligated to mail her a copy of all the prior pleadings that were filed in this matter. She claims that the failure to do so requires striking all the documents and other things filed by the Plaintiff and requires the Court to vacate the summary judgment order. It seems Defendant seeks this relief as a sanction.

The essence of Defendant's argument is that Plaintiff's Counsel's failure to mail her all the prior pleadings prevented her from adequately defending Plaintiff's motion for summary judgment. She complains that Plaintiff has failed to provide her with the title to the subject property and other evidence she argues should exist, and this violated her Constitutional rights. She also argues that the evidence was insufficient to support this Court's grant of summary judgment.

To the extent that Defendant asserts that the evidence presented was insufficient to support summary judgment, that question is before the Court of Appeals, and this Court is without jurisdiction to address this claim. Similarly, to the extent that Defendant asserts that there was a purported violation of her Constitutional rights that prevented her from fully responding to Plaintiff's motion for summary judgment, if preserved, this issue can be addressed by the Court of Appeals. *See* Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal . . . the lower court . . . shall have jurisdiction to entertain [only those] matters not affected by the appeal.") (emphasis added).¹

Therefore, the Court finds that it lacks jurisdiction to consider the relief requested by Defendant's Motion to Vacate, which is therefore DENIED.

¹ Defendant also requests this Court make an indicative ruling pursuant to Rule 62.1 of the Federal Rules of Civil Procedure. To this point the Court is not aware of any authority to support that such a ruling is contemplated by the South Carolina Rules of Civil or Appellate Procedure. Nonetheless, even if it were, the Court is not inclined to offer such an advisory ruling where the substance of Defendant's complaints can, if preserved, be addressed by the Court of Appeals.

2. Stay of Execution Pending Appeal/Appeal Bond.

Also, before the Court—as directed by the order of the Court of Appeals—is whether to stay execution of the summary judgment order pending appeal and if such a stay is permitted, what the appropriate bond should be.

This Court's grant of summary judgment provides for both the payment of a money judgment and the delivery of real property. Neither of which is automatically stayed by appeal. *See* Rule 241(b)(1), SCACR & S.C. Code Ann. § 18-9-30 (money judgment not stayed by appeal); and Rule 241(b)(4) & S.C. Code Ann. § 18-9-170 (order directing delivery of real property not stayed by appeal).

The contract underlying this dispute provides for monthly installment payments of \$1,010.10. The money judgment portion of the order (\$25,622.40) concerns payments through September 2025. It is now December 2025, and Plaintiff represented at the hearing that no further installments have been made. The Court finds that execution of upon the judgment shall be stayed if Defendant secures a bond as set forth below:

Appeal Bond on Money Judgment: Execution upon the money judgment portion of the Court's order shall be stayed pending Defendant's appeal if, within 20 days of this Order, Defendant secures a bond as required by law, or otherwise deposits cash with the Clerk of Court in the amount of \$25,622.40.

Appeal Bond on Delivery of Real Property: Execution upon the delivery of the subject real property shall be stayed pending Defendant's appeal if, within 20 days of this Order, Defendant secures a bond with two sureties as required by law, or otherwise deposits cash with the Clerk of Court in the amount of \$27,272.70. (This amount being calculated as the monthly installment payments of \$1,010.10, from October 2025, through December 2027.) If it appears that Defendant's appeal will not be resolved within this time, Plaintiff may apply to this Court for additional security.²

THEREFORE, the total appeal bond required to stay execution of the judgment pending appeal is \$52,895.10 (*i.e.*, \$25,622.40 + \$27,272.70).

END OF ORDER!

² The below signed does **not** retain jurisdiction over this matter for future hearings that may be held for continuation of the appeal bond.



Berkeley Common Pleas

Case Caption: David Hayes , plaintiff, et al VS Miranda Mitchum

Case Number: 2024CP0803108

Type: Order/Other

So Ordered

s/ T.J. Rode (#2792)

EXHIBIT "D"

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

Miranda A. Mitchum,

Debtor(s).

C/A No. 26-00127-jd

Chapter 13

ORDER DISMISSING CASE

THIS MATTER came before the Court for a hearing on March 18, 2026, on the Rule to Show Cause entered on January 26, 2026, providing Debtor Miranda A. Mitchum notice that her case may be dismissed due to the deficiencies listed therein and requiring Debtor to appear at the hearing to show cause why the above-captioned case should not be dismissed.¹ The hearing was originally set for March 11, 2026. The day before the scheduled hearing, Debtor filed a Motion to Continue due to a medical issue.² The Court granted the Motion to Continue and provided notice that the hearing would be continued to March 18, 2026, at 10:00 am in Charleston.³ On March 16, 2026, and again on March 17, 2026, Debtor requested to continue the hearing for similar reasons.⁴ The Court denied Debtor's requests.⁵ The Clerk's office called Debtor to advise that the Motion(s) to Continue were denied. The hearing was held and the Debtor did not appear.

In addition to the deficiencies outlined in the Rule to Show Cause,⁶ the Court

¹ ECF No. 29.

² ECF No. 75.

³ ECF No. 76.

⁴ See ECF No. 90 and ECF No. 96.

⁵ See ECF No. 91 and ECF No. 95.

⁶ It appears that Debtor attempted to remedy the deficiencies by filing Amended Schedules on March 12, 2026 (ECF Nos. 84 and 85) and March 13, 2026 (ECF No. 87). However, the Court notes that Responses to the Rule to Show Cause were due within twenty-one days of the Notice of the Rule to Show Cause, which set the deadline for February 16, 2026. Additionally, pursuant to 11 U.S.C. §

notes that individuals seeking bankruptcy relief are required to receive “during the 180-day period ending on the date of filing of the petition,” an individual or group briefing “from an approved nonprofit budget and credit counseling agency.” 11 U.S.C. § 109(h)(1); *see also Hayes v. Stephenson*, C/A No. 3:14-CV-352-MGL, 2015 WL 687133, at *4 (D.S.C. Feb. 18, 2015). There are limited exceptions to this pre-filing requirement. *See* 11 U.S.C. §§ 109(h)(2), (3). Subsection (h)(4) provides:

The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and “disability” means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing required under paragraph (1).

11 U.S.C. § 109(h)(4). “The failure to satisfy the requirements of § 109(h) renders an individual ineligible to be a debtor in a bankruptcy case.” *In re Addison*, 667 B.R. 313, 316 (Bankr. D.S.C. 2025) (internal citation omitted). “[C]ourts have held that the proper remedy for failure to comply with Section 109(h) is dismissal of the debtor’s case, as one who is not a debtor cannot obtain relief under the Bankruptcy Code.” *Haynes v. Stephenson*, No. 3:14-CV-352-MGL, 2015 WL 687133, at *4 (D.S.C. Feb. 18, 2015) (citing *In re Mitrano*, 409 B.R. 812, 819 (Bankr. E.D. Va.2009)); (*In re Ross*, 338 B.R. 134, 136 (Bankr. N.D. Ga.2006)).

Debtor filed this case on January 9, 2026, indicating that she received a

521(i), the case was statutorily dismissed on the 46th day after filing, February 24, 2026, for failure to provide documents required pursuant to § 521(a).

certificate of credit counseling within the 180 days prior to filing, but did not yet have the certificate of completion.⁷ On January 16, 2026, Debtor filed the Certificate of Counseling⁸ reflecting that the certificate was obtained on January 14, 2026 – seven days after her case was filed. The record is clear that Debtor did not obtain the certificate before the case was filed, despite her assertion to the contrary in the sworn petition. Without pre-petition compliance or a post-petition waiver, Debtor has not met the eligibility requirement of § 109(h).

As Debtor is ineligible to file this case pursuant to 11 U.S.C. § 109(h), has failed timely file a response or objection to the Rule to Show Cause, and had failed to appear at the hearing in proper prosecution of the case,⁹

IT IS, THEREFORE, ORDERED the above-captioned case of Miranda A. Mitchum is dismissed.

**FILED BY THE COURT
03/19/2026**



Entered: 03/19/2026

S. Jefferson Davis IV
US Bankruptcy Judge
District of South Carolina

⁷ ECF No. 1.

⁸ ECF No. 19.

⁹ If Debtor files another bankruptcy case within 180 days of the dismissal of this case, the Court will set a Rule to Show Cause requiring Debtor to appear and prove eligibility to file a subsequent case, considering the bar imposed under 11 U.S.C. § 109(g)(1) for failure to appear before the court in proper prosecution of the case.

EXHIBIT "E"



Berkeley County 9th Judicial Circuit Public Index



[Berkeley County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

| | | | | | |
|--|--|--------------------------|---|---------------------------|---|
| Switch View | | | | | |
| David Hayes , plaintiff, et al VS Miranda Mitchum | | | | | |
| Case Number: | 2024CP0803108 | Court Agency: | Common Pleas | Filed Date: | 11/04/2024 |
| Case Type: | Common Pleas | Case Sub Type: | Breach of Cont 140 | File Type: | Mediator - Non Jury |
| Status: | Appeal | Assigned Judge: | Clerk Of Court C P, G S, And Family Court | | |
| Disposition: | Removed to Other Court (Fed or District) | Disposition Date: | 09/08/2025 | Disposition Judge: | Clerk Of Court C P, G S, And Family Court |
| Original Source Doc: | | Original Case #: | | | |
| Judgment Number: | | Court Roster: | | | |

| Case Parties | Judgments | Tax Map Information | Associated Cases | Actions | Financials | |
|-------------------|--|---------------------|------------------|------------------|------------------|-----------|
| Name | Description | Type | Motion Roster | Begin Date | Completion Date | Documents |
| Mitchum, Miranda | NEF(01-08-2026 04:27:36 PM) Order/Other | Filing | | 01/08/2026-16:27 | | |
| Mitchum, Miranda | Order/South Carolina Court of Appeals/Motion (DENIED) | Order | | 01/08/2026-16:27 | | |
| Mitchum, Miranda | Service/Certificate Of Service | Filing | | 01/08/2026-10:03 | | |
| Mitchum, Miranda | Notice | Filing | | 01/08/2026-10:03 | | |
| Hayes, David | NEF(12-22-2025 12:35:47 PM) Order/Other | Filing | | 12/22/2025-12:35 | | |
| Hayes, David | Order/Other | Order | | 12/22/2025-12:35 | | |
| Hayes, David | NEF(12-12-2025 12:38:53 PM) Memo/Memo in Opposition | Filing | | 12/12/2025-12:42 | | |
| Hayes, David | Memo/Memo in Opposition | Filing | | 12/12/2025-12:38 | | |
| Mitchum, Miranda | 12/15/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 12/12/2025-09:48 | | |
| Shelton, Chad D. | 12/15/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 12/12/2025-09:48 | | |
| West, John Samuel | 12/15/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 12/12/2025-09:48 | | |
| Mitchum, Miranda | Affidavit in Support | Filing | | 12/03/2025-11:21 | | |
| Mitchum, Miranda | Motion/Vacate | Motion | | 12/03/2025-11:20 | 12/15/2025-11:20 | |
| West, John Samuel | 12/15/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 12/01/2025-10:57 | | |
| Shelton, Chad D. | 12/15/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 12/01/2025-10:57 | | |
| Mitchum, Miranda | 12/15/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 12/01/2025-10:57 | | |
| Hayes, David | NEF(11-26-2025 01:09:44 PM) Order/Other | Filing | | 11/26/2025-13:09 | | |
| Hayes, David | Order/South Carolina Court of Appeals/Rehearing (DENIED) | Order | | 11/26/2025-13:09 | | |

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|----------------------|---|--------|--|----------------------|----------------------|--|
| Hayes, David | NEF(11-21-2025 12:30:00 PM) Order/Electronic Form 4 | Filing | | 11/21/2025- 12:30 | | |
| Hayes, David | Order/Electronic Form 4/CONTINUE | Order | | 11/21/2025- 12:30 | | |
| Hayes, David | NEF(11-12-2025 02:55:00 PM) Order/Other | Filing | | 11/12/2025- 14:55 | | |
| Hayes, David | Order/South Carolina Court of Appeals | Order | | 11/12/2025- 14:55 | | |
| Hayes, David | NEF(11-10-2025 09:29:34 AM) Memo/Memo in Opposition | Filing | | 11/10/2025- 09:57 | | |
| Hayes, David | Memo/Memo in Opposition | Filing | | 11/10/2025- 09:29 | | |
| Mitchum, Miranda | Motion/Continuance | Motion | | 11/07/2025- 11:03 | | |
| Shelton, Chad D. | 11/12/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 11/04/2025- 09:15 | | |
| Mitchum, Miranda | 11/12/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 11/04/2025- 09:15 | | |
| West, John Samuel | 11/12/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 11/04/2025- 09:15 | | |
| Mitchum, Miranda | Notice/Other | Filing | | 10/30/2025- 12:20 | | |
| Mitchum, Miranda | Notice/Other | Filing | | 10/30/2025- 12:19 | | |
| Mitchum, Miranda | 11/10/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 10/24/2025- 13:39 | | |
| West, John Samuel | 11/10/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 10/24/2025- 13:39 | | |
| Shelton, Chad D. | 11/10/2025_MOTHEA_Roster/Notice of Motions Roster Publicatio | Action | | 10/24/2025- 13:39 | | |
| Hayes, David | NEF(10-22-2025 04:13:28 PM) Order/Other | Filing | | 10/22/2025- 16:13 | | |
| Hayes, David | Order/South Carolina Court of Appeals | Order | | 10/22/2025- 16:13 | | |
| Mitchum, Miranda | Motion/Stay (Per Order from Court of Appeals) | Motion | | 10/22/2025- 11:40 | 12/15/2025- 11:41 | |
| Hayes, David | NEF(10-21-2025 02:44:02 PM) Order/Electronic Form 4 | Filing | | 10/21/2025- 14:44 | | |
| Hayes, David | Order/Electronic Form 4/Motion to Stay (DENIED) | Order | | 10/21/2025- 14:44 | | |
| Hayes, David | NEF(10-21-2025 02:42:02 PM) Order/Electronic Form 4 | Filing | | 10/21/2025- 14:42 | | |
| Hayes, David | Order/Electronic Form 4/Motions (DENIED) | Order | | 10/21/2025- 14:42 | | |
| Mitchum, Miranda | Amended in Support of Motion | Filing | | 10/07/2025- 09:05 | | |
| Mitchum, Miranda | Motion/Relief of Judgment | Motion | | 09/30/2025- 09:40 | 10/21/2025- 09:40 | |
| Mitchum, Miranda | Motion Relief of Judgment | Motion | | 09/30/2025- 09:34 | 10/21/2025- 09:34 | |
| Mitchum, Miranda | Motion/Stay of Execution | Motion | | 09/30/2025- 09:28 | 10/21/2025- 10:21 | |
| Mitchum, Miranda | Affidavit in Support of Motion | Filing | | 09/30/2025- 09:26 | | |
| Hayes, David | NEF(09-29-2025 04:01:46 PM) Order/Summary Judgment | Filing | | 09/29/2025- 16:01 | | |
| Hayes, David | Order/Summary Judgment | Order | | 09/29/2025- 16:01 | | |
| Hayes, David | NEF(09-19-2025 11:45:58 AM) Proposed Order/Summary Judgm... | Filing | | 09/19/2025- 13:19 | | |
| Hayes, David | Order/Order Cover Sheet \$25.00 | Filing | | 09/19/2025- 11:45 | | |
| Hayes, David | NEF(09-15-2025 10:36:25 AM) Letter/Letter | Filing | | 09/15/2025- 10:52 | | |
| Hayes, David | Letter/Letter | Filing | | 09/15/2025- 10:36 | | |

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|--------------------|--|--------|--|------------------|------------------|--|
| Mitchum, Miranda | Notice of Appeal | Filing | | 09/08/2025-15:20 | 09/08/2025-15:20 | |
| Hayes, David | NEF(09-08-2025 11:03:34 AM) Letter/Letter | Filing | | 09/08/2025-11:11 | 09/08/2025-11:11 | |
| Hayes, David | Letter/Letter | Filing | | 09/08/2025-11:03 | 09/08/2025-11:03 | |
| Hayes, David | NEF(09-08-2025 10:49:16 AM) Order/Electronic Form 4 | Filing | | 09/08/2025-10:49 | 09/08/2025-10:49 | |
| Hayes, David | Order/Electronic Form 4/Motion for Jury Trial (DENIED) | Order | | 09/08/2025-10:49 | 09/08/2025-10:49 | |
| Hayes, David | NEF(09-08-2025 10:36:14 AM) Order/Electronic Form 4 | Filing | | 09/08/2025-10:38 | 09/08/2025-10:38 | |
| Hayes, David | Order/Electronic Form 4/Motion Summary Judgment (GRANTED) | Order | | 09/08/2025-10:36 | 09/08/2025-10:36 | |
| Mitchum, Miranda | Memo/Memo in Opposition to Plaintiff's motion | Filing | | 09/04/2025-12:41 | 09/08/2025-16:48 | |
| Hayes, David | NEF(09-04-2025 09:41:46 AM) Notice/Notice of Appearance | Filing | | 09/04/2025-11:35 | 09/08/2025-11:35 | |
| Hayes, David | Notice/Notice of Appearance | Filing | | 09/04/2025-09:41 | 09/08/2025-09:41 | |
| Hayes, David | Memo/Memo in Opposition | Filing | | 09/04/2025-09:41 | 09/08/2025-09:41 | |
| Hayes, David | ADR/Notice of ADR | Action | | 09/01/2025-09:25 | 09/08/2025-09:25 | |
| Mitchum, Miranda | Memo/Memo in Opposition to Pla.Mot. for Summary Judgment | Filing | | 08/25/2025-14:01 | 09/08/2025-14:41 | |
| Mitchum, Miranda | Defendants Counterclaim | Filing | | 08/20/2025-13:01 | 09/08/2025-13:01 | |
| Mitchum, Miranda | 9/5/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 08/19/2025-16:04 | 09/08/2025-16:04 | |
| Mitchum, Miranda | 9/5/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 08/19/2025-16:04 | 09/08/2025-16:04 | |
| Mitchum, Miranda | 9/5/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 08/19/2025-16:04 | 09/08/2025-16:04 | |
| West, John Samuel | 9/5/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 08/19/2025-16:04 | 09/08/2025-16:04 | |
| West, John Samuel | 9/5/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 08/19/2025-16:04 | 09/08/2025-16:04 | |
| West, John Samuel | 9/5/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 08/19/2025-16:04 | 09/08/2025-16:04 | |
| Hayes, David | NEF(06-03-2025 09:25:52 AM) ADR/Notice of ADR | Filing | | 06/03/2025-09:25 | 09/08/2025-09:25 | |
| Hayes, David | ADR/Alternative Dispute Resolution (Workflow) | Action | | 06/02/2025-15:00 | 09/01/2025-15:00 | |
| West, James Camden | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| West, John Samuel | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| Mitchum, Miranda | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| West, James Camden | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| Mitchum, Miranda | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| West, John Samuel | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| Mitchum, Miranda | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| West, James Camden | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| West, John Samuel | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/19/2025-14:53 | 09/08/2025-14:53 | |
| Mitchum, Miranda | Letter w/Exhibits | Filing | | 05/15/2025-10:56 | 09/08/2025-10:56 | |
| West, John Samuel | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |

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|--------------------|--|--------|--|------------------|------------------|--|
| West, John Samuel | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |
| West, John Samuel | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |
| Mitchum, Miranda | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |
| Mitchum, Miranda | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |
| Mitchum, Miranda | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |
| West, James Camden | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |
| West, James Camden | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |
| West, James Camden | 5/28/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 05/14/2025-16:07 | 09/08/2025-16:07 | |
| Mitchum, Miranda | Motion/Jury Trial | Motion | | 04/21/2025-13:09 | 09/05/2025-13:09 | |
| Hayes, David | NEF(04-16-2025 11:27:44 AM) Order/Electronic Form 4 | Filing | | 04/16/2025-11:27 | 09/08/2025-11:27 | |
| Hayes, David | Order/Electronic Form 4/Continue | Order | | 04/16/2025-11:27 | 09/08/2025-11:27 | |
| Hayes, David | NEF(04-15-2025 09:53:03 AM) Memo/Memo in Opposition | Filing | | 04/15/2025-10:06 | 09/08/2025-10:06 | |
| Hayes, David | NEF(04-15-2025 09:45:20 AM) Memo/Memo in Support | Filing | | 04/15/2025-09:53 | 09/08/2025-09:53 | |
| Hayes, David | Memo/Memo in Opposition | Filing | | 04/15/2025-09:53 | 09/08/2025-09:53 | |
| Hayes, David | Memo/Memo in Support | Filing | | 04/15/2025-09:45 | 09/08/2025-09:45 | |
| Hayes, David | NEF(04-07-2025 02:21:25 PM) Service/Affidavit Of Service | Filing | | 04/07/2025-15:00 | 09/08/2025-15:00 | |
| Hayes, David | Service/Affidavit Of Service on Miranda Mitchum | Filing | | 04/07/2025-14:21 | 09/08/2025-14:21 | |
| West, James Camden | 4/14/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 04/01/2025-10:46 | 09/08/2025-10:46 | |
| West, James Camden | 4/14/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 04/01/2025-10:46 | 09/08/2025-10:46 | |
| Mitchum, Miranda | 4/14/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 04/01/2025-10:46 | 09/08/2025-10:46 | |
| Mitchum, Miranda | 4/14/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 04/01/2025-10:46 | 09/08/2025-10:46 | |
| West, John Samuel | 4/14/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 04/01/2025-10:46 | 09/08/2025-10:46 | |
| West, John Samuel | 4/14/2025_MOTHEA_Roster/Notice of Motions Roster Publication | Action | | 04/01/2025-10:46 | 09/08/2025-10:46 | |
| Mitchum, Miranda | Letter w/ Exhibit | Filing | | 03/28/2025-09:37 | 09/08/2025-09:37 | |
| Mitchum, Miranda | Letter/Letter | Filing | | 03/27/2025-11:23 | 09/08/2025-11:23 | |
| Mitchum, Miranda | Letter w/Exhibits | Filing | | 03/26/2025-14:32 | 09/08/2025-14:32 | |
| Mitchum, Miranda | Motion/Dismiss | Motion | | 03/26/2025-11:20 | 09/05/2025-11:20 | |
| Mitchum, Miranda | NEF(03-25-2025 11:19:06 AM) Order/Relieve Counsel | Filing | | 03/25/2025-11:19 | 09/08/2025-11:19 | |
| Mitchum, Miranda | Order/Relieve Counsel | Order | | 03/25/2025-11:19 | 09/08/2025-11:19 | |
| Hayes, David | NEF(03-24-2025 10:59:42 AM) Motion/Summary Judgment | Filing | | 03/24/2025-11:14 | 09/08/2025-11:14 | |
| Hayes, David | Motion/Summary Judgment | Motion | | 03/24/2025-10:59 | 09/05/2025-10:59 | |
| Mitchum, Miranda | NEF(03-21-2025 03:57:54 PM) Motion/Relieve As Counsel | Filing | | 03/21/2025-16:02 | 09/08/2025-16:02 | |
| Mitchum, Miranda | Motion/Relieve As Counsel | Motion | | 03/21/2025-15:57 | 03/25/2025-15:57 | |

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|------------------|--|--------|--|------------------|------------------|--|
| Mitchum, Miranda | NEF(12-09-2024 03:17:10 PM) Answer/Answer | Filing | | 12/09/2024-15:19 | 09/08/2025-15:19 | |
| Mitchum, Miranda | Answer/Answer | Filing | | 12/09/2024-15:17 | 09/08/2025-15:17 | |
| Mitchum, Miranda | NEF(11-08-2024 09:04:27 AM) Notice/Notice of Appearance | Filing | | 11/08/2024-09:04 | 09/08/2025-09:04 | |
| Mitchum, Miranda | Notice/Notice of Appearance | Filing | | 11/08/2024-09:04 | 09/08/2025-09:04 | |
| Hayes, David | NEF(11-07-2024 01:41:03 PM) Service/Acceptance Of Servic... | Filing | | 11/07/2024-14:11 | 09/08/2025-14:11 | |
| Hayes, David | Service/Acceptance Of Service on Miranda Mitchum | Filing | | 11/07/2024-13:41 | 09/08/2025-13:41 | |
| Hayes, David | Summons & Complaint | Filing | | 11/04/2024-15:00 | 09/08/2025-15:00 | |
| Hayes, David | Filing/Other | Filing | | 11/04/2024-15:00 | 09/08/2025-15:00 | |

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Case Information: 2025-001820

Court: Court of Appeals **Classification:** Appeal - Common Pleas - Other

Short Title: David Hayes v. Miranda Mitchum **Case Status:** Held in Abeyance

[View Full Title](#)

Consolidated:

Filed Date: 09/08/2025 **Oral Argument Date:**

Disposition Date: **Disposition Type:**

Remittitur Date:

Lower Court or Tribunal: Berkeley (2024CP0803108)

- Party Information

| Appellate Role | Party Name | Former | Attorney(s) |
|----------------|-----------------|--------|-------------------------------------|
| Appellant | Miranda Mitchum | N | Self Represented |
| Respondent | Brooks A. Hayes | N | Chad D. Shelton John Samuel West |
| Respondent | David Hayes | N | Chad D. Shelton John Samuel West |

Views

Display: Descending ▾

Event Information

| Filed Date | Event Information | Doc |
|------------|--|-----|
| 03/09/2026 | Correspondence - Outgoing (Appeal Held in Abeyance - Bankruptcy) | |
| 01/23/2026 | Deficiency - Correction (Suggestion of Bankruptcy and Notice of Automatic Stay) | |
| 01/16/2026 | Correspondence - Incoming (Supreme Court Order) | |
| 01/16/2026 | Deficiency - Deficiency Letter Sent (Suggestion of Bankruptcy and Notice of Automatic Stay) | |
| 01/15/2026 | Correspondence - Incoming (Suggestion of Bankruptcy and Notice of Automatic Stay) | |
| 01/14/2026 | Correspondence - Outgoing (Timeline for Appellant's Initial Brief) | |
| 01/14/2026 | Transcript Documents - Transcript Delivered - Direct Appeal | |
| 01/09/2026 | Correspondence - Outgoing (Requesting Proof of Payment for Transcript) | |
| 01/06/2026 | Correspondence - Incoming (Status Update - Partial Copy) | |
| 01/06/2026 | Non-Dispositional Decision - Order | |
| 01/05/2026 | Correspondence - Incoming (Copy of Letter from Appellant to Lower Court) | |
| 12/31/2025 | Correspondence - Incoming (Status Update) | |
| 12/29/2025 | Motion - Emergency Motion to Vacate | |
| 12/23/2025 | Non-Dispositional Decision - Order (Motion to Consolidate - Granted) | |
| 12/23/2025 | Motion - Waive Supersedeas Bond | |
| 12/23/2025 | Motion - No Return - Consolidate | |
| 12/19/2025 | Deficiency - Correction (Motion to Consolidate) | |
| 12/18/2025 | Deficiency - Deficiency Letter Sent (Motion to Consolidate) | |
| 12/18/2025 | Correspondence - Incoming (Exhibits Filed by Appellant) | |
| 11/26/2025 | Correspondence - Incoming (Copy of Emergency Petition Filed with Supreme Court) | |
| 11/26/2025 | Correspondence - Outgoing (Response to Appellant's Request of Transcript Review - No Action) | |
| 11/26/2025 | Rehearing - Denied (Motion - Stay / Supersedeas) | |
| 11/26/2025 | Transcript Documents - Copy of Messages Between Appellant and Court Administration | |

| | | |
|------------|--|---|
| 11/24/2025 | Correspondence - Incoming (Appellant's Request of Transcript Review) |  |
| 11/21/2025 | Deficiency - Correction(filing fee for motion to stay) |  |
| 11/17/2025 | Deficiency - Deficiency Letter Sent (Motion to Stay) |  |
| 11/17/2025 | Correspondence - Incoming (Copy of Money Order) |  |
| 11/17/2025 | Motion - Stay / Supersedeas (Including lifting of automatic stay) |  |
| 11/13/2025 | Deficiency - Correction (Notice of Appeal) |  |
| 11/10/2025 | Non-Dispositional Decision - Order |  |
| 11/10/2025 | Correspondence - Incoming (Email from Appellant) |  |
| 11/10/2025 | Motion - No Return - Stay / Supersedeas (including lifting of automatic stay) |  |
| 11/05/2025 | Motion - Consolidate |  |
| 11/03/2025 | Correspondence - Incoming (Copy of Money Order for Second Notice of Appeal) |  |
| 10/30/2025 | Deficiency - Partial Correction (Second Notice of Appeal) |  |
| 10/29/2025 | Deficiency - Deficiency Letter Sent (Second Notice of Appeal) |  |
| 10/28/2025 | Correspondence - Outgoing (Multiple Notices Letter) |  |
| 10/28/2025 | Non-Dispositional Decision - Order (Motion to Order Transcript Late - Granted) |  |
| 10/27/2025 | Notice of Appeal (Civil) - Second or Subsequent |  |
| 10/27/2025 | Motion - Stay / Supersedeas (including lifting of automatic stay) |  |
| 10/24/2025 | Motion - No Return - Allow Late Ordering of Transcript |  |
| 10/22/2025 | Non-Dispositional Decision - Order (Motion to Amend Notice of Appeal and Motion to Stay Granted) |  |
| 10/21/2025 | Motion - Stay / Supersedeas (including lifting of automatic stay) |  |
| 10/09/2025 | Notice of Appeal (Civil) - Initial (AMENDED) |  |
| 10/09/2025 | Motion - Amend Notice of Appeal |  |
| 10/07/2025 | Correspondence - Outgoing (Regarding Lower Court September 29, 2025 Order) |  |
| 10/02/2025 | Motion - Allow Late Ordering of Transcript |  |
| 10/01/2025 | Transcript Documents - Transcript Ordered |  |
| 10/01/2025 | Correspondence - Outgoing (Time to Order Transcript Expired) |  |
| 09/29/2025 | Correspondence - Incoming (September 29, 2025 Order from Appellant) |  |
| 09/16/2025 | Notice of Appeal (Civil) - Initial |  |
| 09/16/2025 | Deficiency - Correction (Notice of Appeal) |  |
| 09/12/2025 | Deficiency - Deficiency Letter Sent (Notice of Appeal) |  |
| 09/12/2025 | Correspondence - Outgoing (Notice of Appeal Initial Letter) |  |
| 09/12/2025 | Correspondence - Incoming (Notice of Appeal Filing Fee) |  |
| 09/08/2025 | Correspondence - Incoming (Proof of Service and Lower Court Order) |  |

EXHIBIT "F"

STATE OF SOUTH CAROLINA)
 COUNTY OF BERKELEY)
)
 DAVID HAYES and BROOKS A.)
 HAYES,)
)
 Plaintiffs,)
)
 vs.)
)
)
 MIRANDA MITCHUM,)
)
)
 Defendant.)
)
)
)
)
)
)

IN THE COURT OF COMMON PLEAS
 CIVIL ACTION NO. 2024-CP-08-3108

**MEMORANDUM IN OPPOSITION TO
 DEFENDANT’S MOTION FOR A STAY OF
 ORDER FOR SUMMARY JUDGMENT**

BACKGROUND

Circuit Judge Thomas Rode entered his Order For Summary Judgment in favor of the Plaintiffs in the above captioned matter on September 29, 2025.

Defendant, *pro se*, attempted to notice her appeal of that order to the Court of Appeals. She also attempted to have Judge Rode’s Order stayed.

The Court of Appeals issued its Order filed October 22, 2025, remanding the matter to the circuit court for consideration of Defendant’s motion to stay and for a determination of any appeal bonds.

STANDARD OF REVIEW

Rule 241(a) provides the general rule as it relates to the automatic stay matters decided by order, judgment, decree or decision on appeal. The service of the notice of appeal in civil matters generally acts as an automatic stay.

Rule 241(b) provides for exceptions to the general rule, including, as is pertinent to these proceedings, money judgments as provided in S.C. Code Ann. § 18-9-130 and judgments

directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170.

DISCUSSION

I. Money Judgement

S.C. Code Ann. § 18-9-130(A)(1) provides that a notice of appeal from a judgment directing the payment of money¹ does not stay the execution of the judgment unless the presiding judge before whom the judgment was obtained grants a stay of execution.

Plaintiff submits that it would be unfair and prejudicial for a stay of execution on the money judgment to be granted.

Plaintiff has been without any payment on the underlying contract since September 2023. A stay of the execution of the judgment would impose a continuing financial burden on the Plaintiff. He has advanced lease payments to Santee Cooper and property taxes to Berkeley County throughout the full period (because Defendant neglected, refused and failed to do so) and he has been denied the full benefits of the contractual bargain with the Defendant.

If the Court in its discretion chooses to grant the stay of execution of the money judgment, then a requirement that Defendant post bond or other surety is appropriate and required as provided in the cited statute.

II. Delivery of Possession

S.C. Code Ann. § 18-9-170 provides that if the judgment appealed from directs the delivery of possession of real property², the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during

¹ Judge Rode determined on the record before him that... “Judgment, be and hereby is, entered in favor of the Plaintiffs against the Defendant in the amount of \$25,622.40 through September 5, 2025.” Order, p. 6. Legal interest on that judgment amount is accruing post-entry at 11.5% per annum through January 14, 2026, per Order of Chief Justice John W. Kittredge dated January 6, 2025. The interest rate on money decrees and judgments after January 14, 2026, will be set by Order of the Supreme Court in January, 2026.

² Judge Rode determined on the record before him that... “The Contract be, and the same hereby is, terminated.” Order. P. 6. He further determined that ... “The Sheriff of Berkeley County be, and hereby is, ordered and directed to immediately eject and remove from the Subject any and all occupant(s), together with all personal property located therein and thereon and put the Plaintiffs in full, quiet and peaceable possession of the Subject without delay and keep the Plaintiffs in possession thereof.” Order p. 6,7.

the possession of such property by the appellant that [she] will not commit or suffer to be committed any waste thereon and if the judgment be affirmed [she] will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding the sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking.

CONCLUSION

For the foregoing reasons, the Plaintiffs respectfully request that Defendant's motion for a stay of execution be denied or in the alternative, if a stay or stays be/are granted, that bond(s) or other sureties be required for the money judgment and the order for delivery of possession.

Respectfully submitted,

s/ John S. West
John S. West (SC Bar No. 6035)
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ATTORNEYS FOR PLAINTIFFS

November 10, 2025
Moncks Corner, South Carolina

RECEIVED

Mar 23 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Commons Pleas

Hon. T.J. Rode

Case No. 2024-CP-08-3108
Appellate Case No.: 2025-001820

David Hayes and Brooks A. Hayes.....Respondents

vs.

Miranda Mitchum.....Appellant

PROOF OF SERVICE

I certify that I have served the Respondents' Motion To Dismiss, Memorandum In Support Of Motion To Dismiss and Proof of Service on the Appellant, Miranda Mitchum, *pro se*, by depositing a copy of it in the United States mail, postage prepaid on March 23, 2026, addressed to her at her address: **630 Levee Drive, Moncks Corner, SC 29461.**

J West

/s/John Samuel West
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Attorneys for the Respondents

March 23, 2026

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March 23, 2026

BY US MAIL and ELECTRONIC FILING

Hon. Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

*Re: David Hayes and Brooks A. Hayes v. Miranda Mitchum
Case No. 2024-CP-08-3108
Appellate Case No. 2025-001820*

Dear Ms. Kitchings:

Please find enclosed herewith for filing Respondents' Motion To Dismiss, Memorandum In Support of Motion To Dismiss, Proof of Service and my firm's motion fee in the amount of \$50.00 payable to the SC Court of Appeals in the above.

Thanking you in advance for your usual courtesies, I am,

Sincerely yours,

John Samuel West
(w/enclosures as stated)

Cc: Miranda Mitchum
(w/enclosures as stated)
Chad Shelton, Esq.
(w/enclosures as stated)

RECEIVED

Mar 23 2026

SC Court of Appeals