

In the honorable court of appeals of South Carolina

Case # 2025-001820

Miranda mitchum appeallant

630 levee drive

Moncks corner sc

29461

RECEIVED

May 19 2026

SC Court of Appeals

Vs

David hayes respondent

Brooks hayes respondents

John West

207 carolina ave

Moncks corner sc

29461

Appellant's motion to vacate

Summary of the Argument

Lack of Jurisdiction / Wrong Subject: The court lacked Subject matter jurisdiction because the lawsuit targeted a "phantom" asset, meaning the court lacked the authority (or in rem jurisdiction) to adjudicate property that does not belong to the plaintiff.

Lack of Standing: Without proof of ownership is a nullity, and the late-filed, blackened-out title is legally insufficient to establish the plaintiff's rights.

The trial court erred in granting summary judgment to the Plaintiff because the Plaintiff lacked Article III standing at the time the lawsuit was filed. The Plaintiff failed to produce a valid title, bill of sale, or matching Vehicle Identification Number (VIN) to prove ownership upon initiating the litigation. Filing a blackened out title number 14 minutes after interlocutory order does not cure the initial lack of standing. Therefore, the lower court's judgment must be vacated.

Argument . The Plaintiff Lacked Standing at the Time the Lawsuit was Initiated."A plaintiff generally must have the right to sue (standing) at the exact time the lawsuit is filed. Because the Plaintiff lacked the necessary title or bill of sale to prove ownership of the mobile when they initiated the case, they lacked Article III standing. Standing is a threshold, jurisdictional requirement; a case must be dismissed if the plaintiff lacks a personal stake and a cognizable injury at the time of filing. The lower court erred by allowing the lawsuit to proceed when the Plaintiff had no legal proof of ownership."

. Post-Lawsuit Documents Do Not Cure the Initial Jurisdictional Defect."While the Plaintiff filed a blackened out title number 14 minutes after interlocutory order, after the court issued an interlocutory order, subsequent acquisition of standing cannot retroactively validate a case that was invalid at its inception. Article III requirements must be satisfied continuously starting from day one. The court cannot ignore that the Plaintiff obtained standing well into the litigation process."

Discrepancies in the Vehicle Identification Number (VIN) and Fraudulent Alterations Preclude Summary Judgment."Even if post-filing documentation could be considered, the Plaintiff's documents do not match the phantom subject in the contract in dispute. The Plaintiff submitted a title that had numbers blackened out after the interlocutory order. A valid claim requires strict alignment between the mobile home listed in the initial contract and the title provided. The phantom VIN and the altered title create genuine issues of material fact, rendering the lower court's summary judgment inappropriate."

IV. Conclusion"Because the Plaintiff lacked standing when the lawsuit was filed and failed to produce consistent, unadulterated evidence of ownership, the trial court's order granting summary judgment is fundamentally flawed and must be vacated. Appellant respectfully requests that this Court vacate the lower court's judgment and order the case dismissed."

A foundational principle of civil litigation is that a plaintiff must have Article III standing—the legal right to sue—at the exact time the lawsuit is filed. Standing cannot be manufactured post-filing or cured retroactively by filing documents after an

interlocutory order. At the time the initial complaint was filed in this matter, the Plaintiff possessed neither a title nor a bill of sale. Without these documents, the Plaintiff suffered no concrete or particularized injury that could be redressed by the court. Therefore, the lower court lacked the necessary subject matter jurisdiction to entertain the claim or grant summary judgment.

Even if the appellate court permits the consideration of the belatedly filed title, the document submitted by Plaintiff is invalid and fails to prove ownership. The title contains a blackened-out title number and the Vehicle Identification Number (VIN) does not match the phantom VIN in the original contract. Because there is no meeting of the minds or documentary proof linking the Plaintiff to the exact property in the contract, the summary judgment must be vacated.

For the foregoing reasons, the trial court erred in entering judgment for the Plaintiff. The judgment should be VACATED and the case REMANDED with prejudice to the trial court with instructions to dismiss for lack of standing.

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

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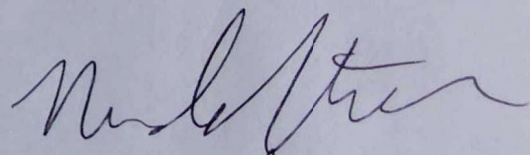
207 Carolina ave

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Certificate of service

I hereby certify that on May 19 2026 I served a true copy of appeallant motion to dismiss to John West 207 carolina ave moncks corner sc 29461. I declare under penalty of perjury the foregoing is true and correct


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