

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Miranda Ann Mitchum,

Appellant,

630 levee drive

Moncks corner sc

29461

v.

David Hayes respondent

Brooks Hayes, respondent

John West attorney for respondent

207 Carolina ave

Moncks corner sc 29461

) APPEAL FROM BERKELEY

) COUNTY

) Appellate Case No.: **2025-001820**

) Lower Court Case No.: **2024-CP-08-**

) **03108**

)

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)

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RECEIVED

Jul 24 2026

SC Court of Appeals

**APPELLANT'S EMERGENCY MOTION FOR IMMEDIATE TEMPORARY STAY
UNDER RULE 241(d), SCACR, PENDING REVIEW OF RULE 240 MOTION FOR
REMAND OR VACATE**

NOW COMES **Miranda Ann Mitchum**, Appellant, appearing *pro se*, and respectfully moves this Honorable Court pursuant to **Rule 241(d) of the South Carolina Appellate Court Rules (SCACR)** for an **Immediate Temporary Stay** of all enforcement proceedings and supersedeas bond requirements in Lower Court Case No. 2024-CP-08-03108, pending this Court's review and disposition of Appellant's previously filed Motion for Remand pursuant to Rule 240, SCACR. In support of this Motion, Appellant respectfully shows the Court as follows:

I. STATEMENT OF RELEVANT FACTS AND PROCEDURAL HISTORY

1. On or about the pending appeal, Appellant timely filed an appeal from the judgment rendered in the Court of Common Pleas for Berkeley County in Case No. 2024-CP-08-03108 (Appellate Case No. 2025-001820).

2. Appellant has filed a Motion for Remand pursuant to **Rule 240, SCACR**, requesting that this Court temporarily stay appellate proceedings and remand the action to the lower court to enable the trial judge to rule upon Appellant's Motion to Vacate Judgment as Void for lack of jurisdiction.

3. Specifically, the underlying judgment is *void ab initio* due to fundamental jurisdictional defects, including lack of personal jurisdiction, lack of *in rem* jurisdiction, and lack

of subject matter jurisdiction, under established constitutional principles governing judicial authority (citing *Pennoyer v. Neff*, 95 U.S. 714 (1877) and controlling South Carolina law).

4. A supersedeas bond requirement was imposed in the lower court. However, because the underlying judgment is legally void for want of jurisdiction, enforcing a supersedeas bond or permitting judgment execution prior to the determination of the jurisdictional challenge subjects Appellant to irreparable harm and violates constitutional due process.

II. ARGUMENT AND LEGAL AUTHORITY

5. **Authority for Temporary Stay under Rule 241(d), SCACR:** Rule 241(d) of the South Carolina Appellate Court Rules provides that the appellate court, or a judge thereof, may grant a temporary stay, modify supersedeas terms, or issue protective orders as justice requires while an appeal or motion is under consideration.

6. **Need for Immediate Relief:** Filing a Rule 240 Motion for Remand does not automatically suspend enforcement or stay the supersedeas bond requirement. Without an explicit order granting an immediate temporary stay under Rule 241(d), Respondents may seek to enforce the void judgment or compel bond payment while Appellant's Rule 240 Motion is pending review.

7. **Void Judgment Invalidates Bond Requirement:** A judgment rendered by a court lacking personal, *in rem*, or subject matter jurisdiction is a legal nullity. Compelling an appellant to post or pay a supersedeas bond to secure a void judgment creates an undue financial hardship and causes irreparable harm. Granting a temporary stay preserves the status quo and avoids wasteful enforcement actions.

III. PRAYER FOR RELIEF

WHEREFORE, Appellant Miranda Ann Mitchum respectfully requests that this Honorable Court enter an Order:

A. **GRANTING** Appellant's Emergency Motion for Immediate Temporary Stay under Rule 241(d), SCACR;

B. **STAYING** all enforcement proceedings, execution of judgment, and supersedeas bond requirements in Lower Court Case No. 2024-CP-08-03108 pending the full review and determination of Appellant's Rule 240 Motion for Remand and any subsequent lower court ruling on Appellant's Motion to Vacate;

C. **SUSPENDING** any obligation to pay or post a supersedeas bond until the underlying jurisdictional challenges are fully resolved; and

D. **GRANTING** such other and further relief as this Court deems just, proper, and equitable.

Respectfully submitted,

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



Miranda Ann Mitchum, Appellant

630 Levee drive

Moncks Corner, SC 29461

Date: July 24, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of July, 2026, a true and correct copy of the foregoing **Appellant's Emergency Motion for Immediate Temporary Stay Pursuant to Rule 241(d), SCACR** was served upon counsel for Respondents via U.S. First-Class Mail / electronic filing system addressed as follows:

John West

Attorney for Respondents

David Hayes respondent

Brooke Hayes respondent

207 Carolina Avenue

Moncks Corner, SC 29461

Miranda Ann Mitchum, Appellant

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



Miranda Mitchum

630 Levee drive
Moncks Corner, SC
29461

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SC Court of Appeals

In the honorable court of appeals of South Carolina

Case number 2025-001820

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630 levee drive

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Vs

David Hayes respondent

Brooks Hayes respondent

John West attorney for respondent

207 Carolina ave

Moncks corner sc

29461

Statement of money order

I hereby certify that on July 24 2026 mailed a 50 dollar money order to 1220 senate street Columbia sc 29201

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


Miranda Mitchum
630 levee drive
Moncks corner sc
29461