

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. On October 21, 2025, Appellant moved to stay the September 29, 2025 order pending the appeal. On October 22, 2025, the court granted the motion to amend the notice of appeal and temporarily granted Appellant's motion to stay the eviction and money judgment and remanded the 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.

On October 27, 2025, Appellant filed a motion titled "Emergency Motion to Waive or Stay Bond and for Review of Lack of Personal Jurisdiction," seeking to "waive and stay" any requirement for a supersedeas bond during the pendency of the appeal. On November 10, 2025, this court construed Appellant's October 27, 2025 motion as a petition for rehearing of the October 22, 2025 order and later denied the petition for rehearing on November 26, 2025.

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On November 17, 2025, Appellant moved for a stay of all proceedings in Berkley County related to the undertaking or bond hearing, pending a decision on Appellant's motion to waive the bond and review of a personal jurisdictional issue. On January 6, 2026, the court denied this motion as moot because this court ruled on the motion to waive or stay the bond on November 26, 2025.

On December 22, 2025, the circuit court filed an order denying Appellant's motion to vacate its September 9, 2025 order on the basis it lacked jurisdiction to consider the argument while the case was on appeal and setting an appeal bond. The order provided "Execution upon the money judgment portion of the [c]ourt's order shall be stayed pending [Appellant's] appeal if, within 20 days of this Order, [Appellant] secures a bond as required by law or otherwise deposits cash with the Clerk of Court in the amount of \$25,622.40." The order further provided "Execution upon the delivery of the subject real property shall be stayed pending [Appellant's] appeal if, within 20 days of this Order, [Appellant] 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."

On December 23, 2025, Appellant filed a motion to waive supersedeas bond and stay execution of judgment due to constitutional violations and lack of proven standing that deprived the circuit court of subject matter jurisdiction. On December 29, 2025, Appellant filed an emergency motion to vacate the circuit court's orders, and remand for the circuit court to dismiss the case on the basis the circuit court lacked subject matter jurisdiction. On January 6, 2026, this court denied Appellant's requests to waive the requirement of a bond and vacate the circuit court's September 29, 2025 order.

On January 15, 2026, this court became aware that Appellant had filed for bankruptcy. On March 23, 2026, Respondents moved to dismiss this appeal because the bankruptcy court had dismissed Appellant's case and Appellant failed to comply with the circuit court's December 22, 2025 order, which required Appellant to secure a bond or deposit cash with the circuit court in the amount of \$52,895.10 in order to stay the order on appeal during the pendency of the appeal. *See* S.C. Code Ann. § 27-40-800(f)(1)(2007) ("Upon appeal . . . 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.").

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On April 24, 2026, Appellant filed a motion to vacate and remand for the circuit court to dismiss, arguing the judgment of the circuit court was void due to lack of subject matter jurisdiction. On May 12, 2026, Appellant filed an expedited motion to remand and to vacate the circuit court judgment for fraud upon the court and lack of subject matter jurisdiction. On May 19, 2026, Appellant filed a motion to vacate the circuit court's order arguing lack of subject matter jurisdiction and lack of standing. On July 13, 2026, Appellant filed a return to Respondents' motion to dismiss. On July 23, 2026, Appellant filed an expedited motion to "stay this appeal" and remand to the circuit court pursuant to Rule 240 of the South Carolina Appellate Court Rules to allow Appellant to file a motion pursuant to Rule 60(b)(4) of the South Carolina Rules of Civil Procedure. On July 24, 2026, Appellant filed an "Emergency Motion for Immediate Temporary Stay under Rule 241(d), SCACR, Pending Review of Rule 240 Motion for Remand or Vacate," seeking "an [i]mmediate [t]emporary [s]tay of all enforcement proceedings and supersedeas bond requirements" in the circuit court case pending this court's review and disposition of Appellant's July 23, 2026 motion for remand.

After careful consideration, we deny Respondents' motion to dismiss the appeal. *See Skydive Myrtle Beach, Inc. v. Horry County*, 428 S.C. 638, 642, 837 S.E.2d 485, 487 (2020) (explaining "[a] case is moot 'when judgment, if rendered, will have no practical legal effect upon existing controversy'" (quoting *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973))); *id.* (holding the case before it "was not moot because a decision to reverse the ejectment order could have the practical effect of putting Skydive back in possession of the bird hangar"); *id.* (explaining that an appeal may be rendered moot when a tenant vacates the premises voluntarily (citing *Berry v. Zahler*, 220 S.C. 86, 87, 66 S.E.2d 459, 459-60 (1951))); *Wachesaw Plantation E. Cmty. Servs. Ass'n, Inc. v. Alexander*, 414 S.C. 355, 360, 778 S.E.2d 898, 901 (2015) (holding "the issuance of a deed does not moot the appeal of a foreclosure sale and an appellate court may reach the merits"); S.C. Code Ann. § 27-40-800(f)(2)(2007) ("The tenant's failure to comply with the terms of the undertaking entitles the landlord to execution of the judgment for possession . . ."). As to Appellant's April 24, 2026, May 12, 2026, and May 19, 2026 motions to remand, we take no action because this argument was previously ruled on by this court in its January 6, 2026 order. *See* Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal."). We deny the relief requested in Appellant's July 23, 2026 motion to stay the appeal and remand pursuant to Rule 240, SCACR. Finally, we deny Appellant's July 24, 2026 motion to stay as moot in light of our denial of the July 23, 2026 motion to remand.



FOR THE COURT C.J.

Columbia, South Carolina

cc:

Miranda Mitchum

Chad D. Shelton, Esquire

John Samuel West, Esquire

FILED
Aug 06 2026