

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Miranda A. Mitchum,	)	Appellate Case No.: 2025-001820
	)	
Appellant,	)	Lower Court Case No.: 2024-CP-08-03108
	)	
v.	)	APPEAL FROM BERKELEY COUNTY
	)	CIRCUIT COURT
Brooks Hayes and David Hayes,	)	
	)	Ninth Judicial Circuit
Respondents.	)	

APPELLANT'S REPLY BRIEF

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STATEMENT OF THE STANDARDS OF REVIEW

Summary Judgment (Rule 56, SCRCP): An appellate court reviews a grant of summary judgment under the same standard as the circuit court. *Fleming v. Rose*, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). Summary judgment is appropriate only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCP. The evidence and all reasonable inferences drawn therefrom must be viewed in the light most favorable to the non-moving party. *Id.*

Appellate Jurisdiction over Post-Trial Orders (Rules 59(e) / 60(b), SCRCP): Questions of appellate jurisdiction present pure issues of law reviewed *de novo*. Where post-judgment motions under Rule 59(e) or Rule 60(b), SCRCP, have been ruled upon by the trial court and timely appealed or consolidated, the appellate court exercises full authority to review both the underlying judgment and the post-trial rulings. See *Huckaby v. Confidential Commc'ns, Inc.*, 405 S.C. 307, 747 S.E.2d 472 (2013).

ARGUMENT

I. RESPONDENTS FAILED TO MEET THEIR INITIAL BURDEN UNDER RULE 56, SCRCP, AND COULD NOT PREVAIL ON SUMMARY JUDGMENT BASED ON A VAGUE, NON-SPECIFIC AFFIDAVIT.

Respondents assert in their Response Brief that they were not required to produce a valid motor vehicle title to prevail on summary judgment because they provided an affidavit asserting ownership under "Contract A" (or Exhibit A). However, under South Carolina law, the party moving for summary judgment bears the initial burden of establishing the absence of any genuine issue of material fact. Rule 56(c), SCRCP; *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991).

The single affidavit submitted by Respondents was deficient and failed to establish critical identifying details, including the specific Vehicle Identification Number (VIN) of the mobile home in question. Rule 56(e), SCRCP mandates that supporting affidavits set forth specific facts admissible in evidence. A generalized assertion of ownership that lacks verification of the specific VIN fails to eliminate triable issues of material fact. Because Respondents failed to satisfy their threshold evidentiary burden, the burden never shifted to Appellant, rendering summary judgment improper. See *Fleming v. Rose*, 350 S.C. 488, 567 S.E.2d 857 (2002).

II. THE CIRCUIT COURT LACKED SUBJECT-MATTER JURISDICTION AND AUTHORITY TO ENTER JUDGMENT AGAINST A MOBILE HOME NOT PROPERLY BEFORE THE COURT, AND THE RECORD DEMONSTRATES FRAUDULENT CONCEALMENT.

Respondents rely upon language in the circuit court's order stating that all equity and interest in the subject matter are "forever barred and foreclosed." However, a court cannot enter an enforceable judgment against property or a motor vehicle that was never properly identified or brought before it. Under South Carolina law governing mobile home and motor vehicle titling, S.C. Code Ann. § 56-19-210 *et seq.*, legal transfer and judicial adjudication require precise identification via standard title documents and matching VIN numbers. The record demonstrates substantial discrepancies across the transactions:

2018 Option to Purchase Discrepancy: The 2018 Option to Purchase lists a completely different VIN than the subsequent contract of sale, demonstrating initial misrepresentation and concealment.

2022 Contract of Sale Discrepancy: The subject matter in the 2022 contract of sale is different as well, further proving that the fraudulent concealment continued.

Following the interlocutory order, Respondents filed a title document containing an intentionally scratched-off title number, completely unverified by supporting affidavit. The VIN referenced in Exhibit A/Contract of Sale fails to match the title document submitted after the interlocutory order, nor does it correspond with South Carolina Department of Motor Vehicles (SCDMV) records for the actual mobile home. A court cannot foreclose upon or quiet title to property with an unverified or conflicting VIN. A judgment directed at misidentified property is legally void and unenforceable.

III. THIS COURT MAINTAINS FULL APPELLATE JURISDICTION OVER THE CIRCUIT COURT'S ORDERS DENYING RULE 60(b) AND RULE 59(e) RELIEF IN THIS CONSOLIDATED APPEAL.

Respondents contend that the lower court lost jurisdiction to rule on Appellant's Motions under Rule 59(e) and Rule 60(b), SCRPC, following the initial notice of appeal. This argument misunderstands appellate procedure. Because the circuit court issued formal written orders denying Appellant's Rule 60(b) and Rule 59(e) motions, and because this Court consolidated those post-judgment determinations with the primary appeal of the summary judgment order, full appellate jurisdiction rests with this Court.

When an appellate court consolidates an appeal from a post-judgment order with the main appeal, the entire record and all underlying rulings are subject to appellate review. Rule 203(b), SCACR; *Huckaby v. Confidential Commc'ns, Inc.*, 405 S.C. 307, 747 S.E.2d 472 (2013). The entry of a written order denying post-trial relief constitutes an appealable judicial determination. *Standard Register Co. v. Kerrigan*, 238 S.C. 54, 119 S.E.2d 533 (1961); *Pee Dee Mgmt. Corp. v. Agr. Prods., Inc.*, 305 S.C. 415, 409 S.E.2d 377 (1991). Having consolidated these matters, this Court possesses jurisdiction to review both the order granting summary judgment and the post-judgment orders.

IV. FORMER COUNSEL LACKED SPECIFIC AUTHORITY TO REPRESENT OR BIND APPELLANT IN CIRCUIT COURT, VIOLATING APPELLANT'S PROCEDURAL AND DUE PROCESS RIGHTS.

The record demonstrates that Appellant's former attorney acted without express, actual, or implied authority when filing pleadings or entering appearances on Appellant's behalf in the Circuit Court. Under South Carolina agency principles governing attorney-client relationships, an attorney cannot bind a client or submit substantive filings without express consent. *Hall v. Benefit Ass'n of Ry. Emps.*, 164 S.C. 80, 161 S.E. 867 (1932); *Poore v. Poore*, 105 S.C. 206, 89 S.E. 569 (1916).

Furthermore, counsel appearing on behalf of Respondents in the Circuit Court was retained exclusively for Magistrate Court proceedings and lacked engagement or authority to represent Respondents in Circuit Court. See *Pee Dee Stores, Inc. v. Doyle*, 247 S.C. 142, 146 S.E.2d 885 (1966); *City of Columbia v. Town of Lincolnville*, 399 S.C. 547, 732 S.E.2d 622 (2012). Allowing unauthorized counsel to submit pleadings and seek summary judgment violated Rule 12(a), SCRPC, and deprived Appellant of procedural due process under the Fourteenth Amendment to the United States Constitution and Article I, Section 3 of the South Carolina Constitution. Upon discovering these unauthorized filings, Appellant immediately disavowed them, terminated counsel, and moved to set aside the filings. Unauthorized actions by former counsel cannot operate as a binding waiver or admission against Appellant.

V. APPELLANT HAS COMPLIED WITH ALL APPELLATE BRIEFING REQUIREMENTS UNDER RULE 208(b), SCACR.

Respondents contend that Appellant failed to provide a Table of Authorities. As demonstrated herein, Appellant has provided complete legal authority in compliance with Rule 208(b), SCACR. Procedural objections raised by Respondents cannot excuse their failure to meet basic evidentiary requirements on summary judgment.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court REVERSE the circuit court's order granting summary judgment, VACATE the judgment entered below, and REMAND this matter to the Circuit Court for further proceedings.

Respectfully submitted,



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Appellant Pro Se

Date: October 8, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2026, a true and correct copy of the foregoing **Appellant's Reply Brief** was served upon opposing counsel of record via U.S. First Class Mail, postage prepaid, addressed as follows:

John West, Esq.
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207 Carolina Avenue
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RECEIVED

Oct 08 2026

SC Court of Appeals



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