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SC Court of Appeals

**FORM 13
BRIEF OF APPELLANT***

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM YORK COUNTY
Court of Common Pleas

Teresa K. Weaver, Circuit Court

Judge

Case No. 2022-001591

Alicia Taylor
Frank Christopher Taylor
Stephen Anthony Taylor
Marcus Bankhead
Robert Erwin Bankhead
Florence Bankhead
Sandra McKinney Spears
Sharon McKinney Threadcraft
Kevin McKinney
Kimberly McKinney McElhaney, Respondents,

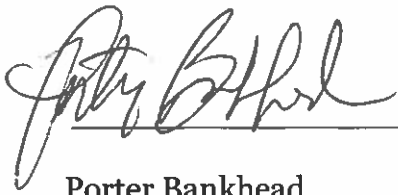
v.

Porter Bankhead
Sarah Dennis
Barbara Simplice, Appellants.

Appellants seek relief in the forced sale of property at 4030 Irene Bridge Highway, Hickory Grove, SC, 29717, 016-00-00-007. Subject property is deeded with siblings of their parents, Helen and Odell Bankhead, and need the agreement of the intestate heirs, nieces and nephews (Respondents) of those deceased siblings to sell said property.

Respondents have refused to give their approval of the sale leading to a forced sale in the York County Court of Common Pleas, Case 2021-CP46-01165.

July 2, 2024



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* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

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STATEMENT OF ISSUES ON APPEAL

1. Appellants submission of Amended Summons and Amended Complaint were lost in transmission via USPS and not recoverable. Case dismissed by York County Common Pleas Court and Appellants' Motion for Reconsideration denied by the Honorable Teresa K. Weaver.

STATEMENT OF THE CASE

On December 16, 2021, Appellants filed a forced sale case in the Court of Common Pleas to sell the family property at 4030 Irene Bridge Highway, Hickory Grove, SC 29717. Owners of the property, Helen and Odell Bankhead, deeded the property to each of their nine (9) children: Gettys Bankhead (deceased), Robert F. Bankhead (deceased), Mary Ann McKinney (deceased), Arthur A. Bankhead (deceased), Porter Bankhead, Joyce Bankhead McClurkin (deceased), Sarah Dennis, Jean Bankhead Taylor (deceased), and Barbara Sery. This action was taken by the surviving sibling only after being unable to get agreement on the sale by the intestate heirs (Respondents).

Plaintiffs' case was dismissed by Judge Teresa K. Weavers when Plaintiffs' USPS mail Amended Summons and Amended Complaint filings to the court were not received and were not returned to Appellants. Plaintiffs. Motion for Reconsideration was denied by Judge Weaver.

STANDARD OF REVIEW

Appellants used this forced sale litigation as the legal process afforded them to accomplish a court-ordered sale under court supervision, ending in division of the property or sale proceeds.

This lawsuit is filed as a last resort by Plaintiffs to accomplish a voluntary solution contacting all Respondents via written correspondence to negotiate with them on informed decisions about settlement, getting no reply from any of the Respondents.

ARGUMENTS

- I. Respondents have been communicated on selling the property in all communications to the court and also informally.
- II. **Respondents were sent letters with an attorney's assistance, which spelled out the law on forced sales and partitions. Using numbers and legal citations, prove to them that a partition action would hurt all of the co-owners financially and emotionally.**
- III. It is unclear to Appellants why Respondents do not acquiesce in the sale, or sell their share, or share their reluctance to the sale. Respondents have not replied to any of Respondents filings with the court in this case or to the court, leading to Respondents' force sale filing.

FORCE SALE info here

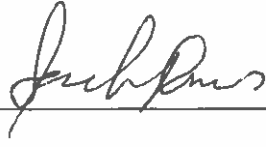
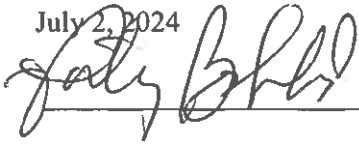
[Appellants filing follows South Carolina partition statutes Code of Laws Title 36, Chapter 2]

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court denying Appellants Motion for Reconsideration..

Respectfully submitted,

July 2, 2024



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