

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENWOOD	)	EIGHTH JUDICIAL CIRCUIT
Allen Spearman,	)	Civil Action No. 2018-CP-24-00402
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>ORDER DISMISSING UNITED</u></b>
	)	<b><u>COMMUNITY BANK WITH</u></b>
Probate, Sheriff Dept., Tax Accessor	)	<b><u>PREJUDICE</u></b>
Office, Bank, Travis Moore, and Mitchell	)	
Powers,	)	
	)	
Defendants.	)	

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This matter is before the Court on the Motion to Dismiss, or in the Alternative, for a More Definite Statement (“Motion to Dismiss”) filed by Defendant United Community Bank. The Court held a hearing on the motions on September 5, 2018 which was attended by counsel for the Defendants and the Plaintiff *pro se*. Based on the arguments presented at the hearing, the Court grants the Motion to Dismiss with prejudice. The Court finds that, even giving the Plaintiff every benefit of the doubt as a *pro se* litigant, the Complaint fails to meet the minimum pleading requirements of the South Carolina Rules of Civil Procedure. A complaint must contain “a short and plain statement of the facts showing that the pleader is entitled to relief.” Rule 8(a), SCRPC. Here, the Complaint does not meet the standard of Rule 8(a) of the South Carolina Rules of Civil Procedure and does not sufficiently plead any single cause of action. As a result, dismissal is proper under Rule 12(b)(6) of the South Carolina Rules of Civil Procedure for failure to state a claim.

Further, the Court grants the Motion to Dismiss with prejudice. The Plaintiff’s Complaint appears to concern the status of account documentation and the disposition of account funds in an account he allegedly jointly owned with his mother, who died in 2002. The Plaintiff confirmed

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*Chastity Copeland*  
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 CCCP AND GS  
 GREENWOOD COUNTY  
 S. C.

this in open court. The Court finds that any alleged causes of action related to the account documents and the disposition of the alleged joint account upon his mother's death in 2002 would be barred by the statute of limitations. Consequently, given the nature of the allegations and the statute of limitations, it is appropriate to grant the motions to dismiss with prejudice instead of granting Plaintiff leave to amend the Complaint because any such amendment would be futile. Accordingly,

IT IS HEREBY ORDERED that the Complaint is hereby dismissed with prejudice.

AND IT IS SO ORDERED.

\_\_\_\_\_  
The Honorable William A. McKinnon  
Presiding Judge

\_\_\_\_\_, South Carolina

\_\_\_\_\_, 2018



Greenwood Common Pleas

**Case Caption:** Allen W Spearman VS Probate Court , defendant, et al  
**Case Number:** 2018CP2400402  
**Type:** Order/Dismissal

So Ordered

/s William A. McKinnon, #2761, Circuit Judge