

**IN THE SUPREME COURT OF
THE STATE OF MISSISSIPPI**

2008-CA-00091

WILLIAM RONALD THWEATT

APPELLANT

VS.

BEVERLY T. THWEATT

APPELLEE

**APPEAL FROM THE CHANCERY COURT OF
RANKIN COUNTY, MISSISSIPPI**

REPLY BRIEF OF APPELLANT

**Michael P. Younger
Mississippi Bar No. [REDACTED]
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Attorney for Appellant**

Oral Argument is Requested

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STATEMENT IN REPLY

In replying to the position of the Appellee in this cause, it is the position of the Appellant that the Chancellor had no authority under Mississippi Statute and/or case law to divest a joint tenant real property owner of his or her title in a partition suit.

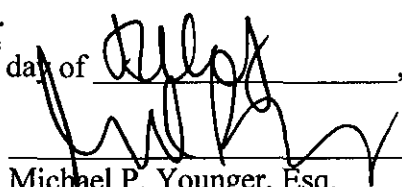
The statute cited in the Appellant's brief and the case law, established that a principal that a person who owns an interest in real property cannot be divested of that interest in a partition suit wherein it is impossible to divide the real property in kind.

In the case at bar, the Appellee was fully aware that the Appellant's name was going to be placed on the deed to the real property in question, at the closing, and did nothing to stop this or even raise an objection to his name being added.

The Appellee cannot claim fraud, gross neglect, or even simple neglect when she, in this instance, did not voice an objection to Mr. Thweatt's name being placed on the deed to their home as joint tenants with full rights of survivorship.

It is respectfully requested this Court reverse this cause and render directing the Chancery Court of Madison County, Mississippi to partite the real property in question on a fifty-fifty (50/50) basis.

Respectfully submitted this the 19 day of July, 2008.



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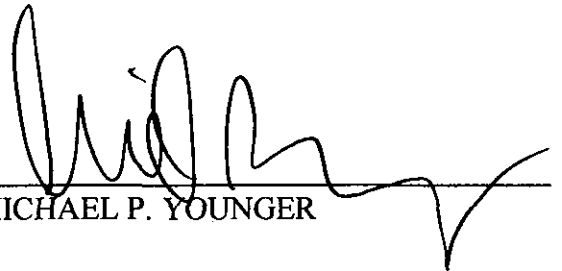
CERTIFICATE OF SERVICE

I, Michael P. Younger, do hereby certify that I have this date mailed a true and correct copy, via U.S. Mail, of the above and foregoing to:

Cynthia Brewer, Chancellor
Madison County Chancery Court
P.O. Box 404
Canton, MS 39046-0404

Bentley E. Conner, Esq.
P.O. Box 563
Canton, MS 39046-0563

This 14 day of July, 2008.



MICHAEL P. YOUNGER