



# The South Carolina Court of Appeals

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*February 15, 2023*  
~~January 10, 2023~~

Carolyn Tolbert Smith  
338 5th Avenue  
Mount Pleasant SC 29464

**RECEIVED**

FEB 21 2023

Re: Keith Tolbert v. Carolyn Smith  
Appellate Case No. 2022-001815

**SC Court of Appeals**

**Keith L. Tolbert, Respondent,**

**v.**

**Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants,**

**Of whom Carolyn Tolbert Smith is the Appellant,**

**and**

**Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian are the Respondents.**

*Return To The Motion*

*And*

*Motion for Extension of  
Time*

*On February 14, 2023, it was brought to my at-  
tention that Respondent in case 2022-001815*

filed a motion to Dismiss Appellant's Appeal in the case a fore cited. Further I was told that I had until February 21, 2023 to respond to said Motion which gave me seven (7) days to respond. Still further Appellant has not been noticed by Counsel for the Respondent neither has the Appellant received correspondence from the South Carolina Court of Appeals regarding a Motion to Dismiss. Though the Appellant can guess or assume what appears in said Motion, Appellant is at a decided disadvantage in the matter. I'd be, "walking in the dark." Notwithstanding, the Appellant is willing to make statements in support of my appeal as I await a copy of Respondent's Motion to Dismiss. At this time, the Appellant requests an extension of time to respond, addressing any specifics in the Motion to Dismiss.

My Motion, Return To The Motion comes with the following support as to why Appellant's Appeal should not be dismissed:

① It would be an egregious travesty of Justice in our Country which pledges Liberty and Justice For All. This includes widows who may be in the Courts as a Nuisance as was the widow biblically. She like me had to return to the Court unable to find Counsel. She returned many times, simply seeking justice.

I, the Appellant is the same. Temporarily I am without counsel, without the skills of one trained in law and without a legal secretary ie one skilled in legal typing.

① The Circuit Court in its Order [Judgment] erred in multiple areas as follows:

① In handing down and granting Charles Tolbert summary judgment; ② in hearing first, arguments (flawed) pertaining to reasons for granting summary judgment; ③ in, hence, discounting all genuine issues as to material fact(s); ④ in ignoring warnings per the drastic remedy that summary judgment is and why caution should be taken before it is ever invoked; ⑤ in not therefore, allowing trial by jury, if in order; ⑥ in its decision to add a sixth element to the five(s) elements required by South Carolina Law to be satisfied to claim, Adverse Possession, which was and is Appellant's Counterclaim to Charles Tolbert's drastic claim of Quiet Title with Partition which, if granted would rob me the Appellant of the sole roof over my head at age eighty-five. Appellant was not afforded the opportunity to argue the genuine issues as to material fact which had focus on Appellant's having resided always in the property lot, 326 and on the grounds, lot 327 for 28 twenty eight yrs. ie 8<sup>3</sup>, Caring for Ma and Pa, Fred + Helen Tolbert, through 2003, December and thereafter ie 2003-2023 exclusive.

ly, consistently, giving tender, loving, devoted care to our parents who gave so much of themselves to five of us. One only was deceased. The only grandchildren who came were were Appellant's children; some uprooted from the college studies in their home state; <sup>7</sup> One Counsel for Respondents only argument was that of form only. He did not approve of my handwritten responses. The Appellant apologizes and now has a friend in the legal field assisting me, the Appellant in my search for a secretary that is versed in the ways of typing prescribed by SC law; <sup>7b</sup> The Quiet Title Claim strictly counters the decedent, my mother's fervent desires expressed in her last Will And Testament i.e. << Share And Share Alike >> which does not reference selling her property or burdening any of her children with taking on the load and care of putting the subject property under heavy mortgage in order to secure thousands of dollars to buy the interest of those who care nothing absolutely for "Preservation" of a phenomenal legacy of parents who, burned out and died, to leave us heirs to preserve the legacy not erase them, their efforts, their worthy legacy as great contributors to the state of SC, to their country while touching those who spread mother and daddy's gifts around the world; <sup>8</sup> Waste to beat the nearly twenty years of ownership of said properties prompted the Cir-

Cuit Court to err in its haste in this  
- total matter. This left me finding im-  
balance in the scales of justice. Appellant  
seeks justice as the one child with the aid  
of her child's sustained the decedent and her husband  
substantially long before and during the years  
1995-2003; maintained the property and  
saved said property from loss because of  
payments to assisted living or unpaid taxes.

### Certificate of Service

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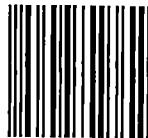
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**SC Court of Appeals**

Attention: Ms. Kitchings, J.

29201-376999

