

The South Carolina 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,

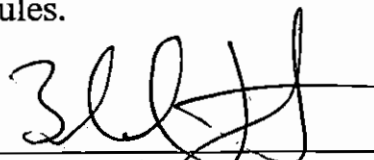
and

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

Appellate Case No. 2022-001815

ORDER

On February 10, 2023, Respondents filed a motion to dismiss the notice of intent to appeal filed by Appellant as untimely because it was not served within thirty days of receipt of written notice of entry of the order or judgment. The motion is granted. *See* Rule 203(b)(1), SCACR; *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (“Service of notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.”). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

FILED
Mar 22 2023

Columbia, South Carolina

cc:

Carolyn Tolbert Smith

Ashley G. Andrews, Esquire

Alwyn Taylor Silver, Esquire

William King Kalivas, Esquire

Betty Jean Tolbert Jones