07/10/2022

Defendants' daily discounted charge to Plaintiffs and Defendants Betty Jean Tolbert Jones and Sara Jo Tolbert Latten $100.00 daily 1995 – 2003 = 9 (nine) yrs. 1 yr. = 3,285 days at $100.00 daily = $328,500.00

$100 dollars

$328,500.00

Regarding: Assistant Living Cost Spared Heirs

A.) 1 Bedroom – Large – monthly – $4,285 (W) Patio $4,435.00

B.) 2 Bedroom + Patio – $5,000.00

(W.) Second occupant (yes) $4,300.00

RECEIVED
MAR 21 2023
SC Court of Appeals

07/14/2022

Pecuniary

Not limited to include examples:

Kitchen/Dining

1. Kitchen Flatware

2 Dining @ Rack of Demi tasse Containers for Café Cubano

b) Christmas ceramic + metal ornaments

c) In 3 rooms – Decorative Shelves

d Table Scarf/Scarves

e Book Shelves – Wooden – 3

Christmas trees

A piano

Picture frames

Paintings

Candles

Cleaning materials

2 – Microwaves

Table lamps

Desk Computer

Clothes racks

outdoor shed

Vacuum Cleaners

Venetion blinds

Large Screen T.V. Sets

Folding Chairs

Tool Set

Shoes racks

Rakes + Shovels

21SANP.

21SANP.

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
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January 10, 2023

RECEIVED
MAR 21 2023
SC Court of Appeals

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

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.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Circuit Court Judge

Appellate Case No. 2022-001815

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.

PROOF OF SERVICE

Per #7 Rule
Certificate of Service

I certify that I have served the Notice of Appeal and Motion for Extension on Alwyn Taylor Silver, Esq., William K. Kalivas, Esq., Taylor Silver, Esq., Ashley G. Andrews, Esq., and Betty Jean Tolbert Jones by depositing a copy of the Notice of Appeal and Motion for Extension with sufficient postage to her attorney and all parties of record on January 2, 2023.

Carolyn Tolbert Smith
338 Fifth Ave.
Mt. Pleasant, South Carolina 29464
(843) 216-6960

DATED: February 3, 2023

Charleston, South Carolina

Copy 2

03/ /2023

Designation Of The Matter

Comes now Appellant, Carolyn Tolbert Smith, sharing my list of instruments I shall use in support of my appeal to the Order [Judgment] of the Honorable Mikell Scarborough, giving, granting Summary judgment to Charles Tolbert, given name Charles Leon McMillian, III. It is further, CASE No.: 2021CP10 04058, Appellant's Counterclaim to Charles Tolbert's drastic Claim of Quiet Title - Partition Lis Pending; to the Appellant's Claim of title to Adverse Possession supported by Appellant's proof of having met the requirements of satisfying all six re-

quirements ie << Hostile[1], Continuous[2] ie un-
interrupted residency on the subject pro-
perty, Open[3], actual[4], notorious[5], exclusive[6]
ouster (turning out. Please now see instru-
ments to be used but never heard - at the
September 21, 2022 Hearing before Judge Scarbo-
rough, Master in Equity. Please see below.
1. Letters to my Counsel, Attorney M. Dinwoodie
2 The Order [Judgment] by the Honorable Judge Scarbo-
rough 3. Motion To Dismiss Withheld from me
up to within ~~14~~ 7 days before a required
responce either one way or another >>
4. Appellants 1st response blindly without any
Knowledge of the contents of the Motion to

Dismiss 5. The well delayed, written, Motion to Dismiss 6. Interrogatories of parties

7. A second Copy of Appellant's Initial Breif-

8. Appellants' proof of Power Of Atty. for the decedent

9. Sources Consulted to varify Illigations by using a Table Of Authorities 10. The Table Of Authorities

Which stems from the use by and approved by Judge

Scarborough in agreement with the Respondents.

11 Affidavits (one missing) of family, neighbors, Church members

and friends, supporting Appellant's claim herein.

12 Appellants Motion To Return to the Motion timely mailed, February 21, 2023 by postmark to Appeal lack

/ First answer to Motion to Dismiss mailed before 21st.

14. The Last Will And Testament Of the decedent.

15. Some signed, return receipts from certified mailings to parties herein. 16 Copies of some photos of the subject property before destruction by hurricane Ian either late 2022 or early 2023 and before SCEG and Xylem tree cutters destroy front fencing as they cut and allowed heavy limbs from trees to destroy some fencing; one damaged by deer.

17. Copy of a BK of Am. ck, showing joint ownership,

18 Page 3 of Sara To Tolbert's Summons And Complaint, 2018CP10 X 2242 filed Apr 30, 2018 Also pages one (1) and (2).

19. Page 4d lines 10, 11, 20, 25, pg. (6) 4 & 6 all in Docket No: 2018CP10-2242 Answer and Counter;

20. Pages 2, 3 With sound, Serious questions about the/

an explanation per two similar dates of the only

deed that Appellant ever signed. One document

omits my atty.'s signature and name and his witnesses' signature and

shows my name, not as a signature but printed. The

21. Second sheet shows no signature of Appellant but

22. shows now my attorney's signature plus a different

signature of one person (witness to what)? submit-

ting exhibit in a doc by Atty. Ashley Andrew filed 11/7/22

23. Page 3 of 5 "Legal Analysis v. Determination in

Fender v. Smashum Heirs or Heirs Of...

24. Page 1 Defendant Charles Tolbert's Motion For

Summary Judgment TO: Malena A. Dinwoodie lines

one (1) – five (5) especially especially lines five (5) + (6)

which is shocking. It comes to my attention just now 03/10/23

26. Summons (Quiet Title, Partition) filed by

s/William Kalivas pgs. 3,4,5

26. Answer and counter claims filed by Ashley G.

Andrews, Oct 7, 2021, pages 2,3,4,5 — Counter claim Ap-

pellant contests its validity in Quiet Title and its in-

ability to stand in light of a Deed of Distribution

27. Pages 1, 2, 3 Answer and Refutation of Appellant

filed Nov. 1, 2021 28. Pg. 1 of Keith Tolbert's Counter to Charles

28. See pg 4, 5, 6, 7, 8 of 9 pgs filed by Melena

Dinwoodie former Attorney for Appellant, Carolyn

Tolbert Smith's Matter file date March 1, 2022. A-

mended answer and Counter-claim

29 Evaluations of each siblings contributions herein

Pasible Supplementals

03/02/23
Not to copy

Appellant learned of Designation of Matter and what it entailed from a Court manager late, February 2023, at the time that Appellant, in Case 2022 01815, was in haste to enter the response to Respondent's Motion To Dismiss which I had to learn about through management at the SC Court of Appeals seven days not 30 remaining for a/my response. I, Pro Se, began earlier working 500 pgs. to submit 500 pgs. Record on Appeal as well as the Designation list, according to manager, named, I believe, Allen. In addition there was a delayed transition period when former pd. Counsel refused to appeal my Case that sought justice. I got no instructions from said Counsel regarding procedual matters. I had No Knowledge as to what to ask her about blindly
C/A.

03/17/2023

Preface

The South Carolina Court Of Appeals

The Appellant, Carolyn Tolbert Smith akin to the biblical widow who with unshakable faith and steadfast in spirit, lacking representation in the courts gained the care and the mercy of the merciful court which permitted said widow to be heard. Carolyn T. Smith begs again your indulgence for me, unable to encourage any of several attorneys to take over my case. Why do I continue this battle? 1st it's because I am the child who has a fervent desire to preserve what our parents sacrificially struggled to leave for generations of heirs to enjoy and preserve. Mother's Last Will and Testament which included her grands

is a testamony to her intention and hope for the use of the subject land. Helen believed that heirs would be thoughtful, honorable heirs, enterprising and appreciative of their gift left for heirs. There is no end to ways that all can profit herein rathor than via Quiet Title with Partition. So I need to continue to fight this worthy fight. I, the Appellant, has had the job of three (3) persons, i.e. legal personnel, paralegal, co-counsel in my firm, but I've not been blessed thus. So I've had to, lately, study five hundred copies of filings; copy same away from home; mail copies to two courts and 3 attornies and a Pro Se party certified and overnight at time. At age 85, I am still willing to honor Mat Pa and posterity. I forfeit dishonor greed

03/14/2023

Memo

TO: Members of The South Carolina Court of Appeals

From: Appellant, Carolyn Tolbert Smith

Re: The three abnormal numbers of filings, regarding Appellant's Motion To Return To The Motion

Appellant, C.T. Smith is now speaking with an attorney, hopeful am I that this attorney will represent me. As I have explained in my Motions to Return To The Motion, I told said Attorney of the egregious act of Respondents. They dated their Motion to Dismiss (W) Prejudice my case on Feb. 10, 2023, Fourteen days before deadline to respond to said Motion, which Appellant learned about from Ms. Kateland incodently because I, Appellant called Ms. Kateland to

03/14/2023

inquire about any activity in/on my case, (then) Kateland told me of Respondent's Motion to Dismiss my appeal with prejudice. Hence three filings, with no written notice from Respondent and not having any guide as to accusations or any specifics and trying desperately not to have my valid, winnable case dismissed, as I waited for the required, timely Notice from Respondents, I was forced to respond blindly. Four days, before the Feb. 21, 2023 deadline Respondent's Notice arrived, requiring a major rush and costly overnight mailing, to make the Feb 21, 2023 deadline in four days. This egregious, deliberate, desperate move to avoid moving to the appeal level is unforgivable. The attorney advising me, feels that knowledge of this information might have Respondents start over.

03/ /2023

Attorney

Melena A Din-

Woodies

Clear, truthful

Powerful Counter

to Charles Leon

Mc Millian's Quiet

Title Claim whis defi

defies The Last Will and

Testament of the

decedent, my mother,

Mrs. Hr Grant Tolbert

This Counter claim

embodies most of

my argument.

Oh that she would have

Stayed in the flight

for justice

cjs

ELECTRONICALLY FILED - 2022 Mar 01 9:16 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT
Keith L. Tolbert, Plaintiff, v. Carolyn Tolbert-Smith; Charles Tolbert; Betty Jean Tolbert Jones; Sara Jo Tolbert Latten; and Estate of Charla Tolbert McMillan, Defendant(s).	)	CASE NO.: 2021-CP-10-04058 **AMENDED ANSWER AND COUNTERCLAIM OF DEFENDANT CAROLYN TOLBERT-SMITH**

Defendant Carolyn Tolbert-Smith ("Defendant"), by and through her undersigned counsel, hereby submits her Amended Answer and Counterclaim to Plaintiff's Complaint (the "Complaint") filed on September 2, 2021. In support of her Amended Answer and Counterclaim, Defendant states as follows:

ANSWER

1. Each and every allegation of the Complaint not expressly admitted herein is denied, and Defendant demands strict proof thereof.

2. As to Paragraph 1 of the Complaint, Defendant denies any allegations therein that are inconsistent with the public records and demands strict proof of same. Proof, please. cgs

3. As to Paragraphs 2, 4, and 6, Defendant admits the allegations of those paragraphs to the extent that they identify the residency and citizenship of the various parties, but denies the remainder of the Paragraphs to the extent that they may be inconsistent with the public records and demands strict proof thereof. Proof, please. cgs

4. Defendant admits the allegations of Paragraph 3.

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5. As to Paragraph 5 of the Complaint, Defendant lacks sufficient knowledge to either admit or deny the allegations therein as to Defendant Betty Jean Tolbert Jones' citizenship and residency and therefore denies same and demands strict proof thereof. As to the remaining allegations of Paragraph 5, Defendant denies same to the extent that they may be inconsistent with the public records and demands strict proof thereof. Does Betty Jean Claim Gordonville's property or Washington, DC

6. As to Paragraphs 7 and 8 of the Complaint, Defendant denies any allegations therein that are inconsistent with the public records and demands strict proof of same. Proof, please. cjt

ANSWER AND AFFIRMATIVE DEFENSE TO FIRST CAUSE OF ACTION
(Quiet Title)

7. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein.

8. A response is not required to Paragraph 9 of the Complaint, however, to the extent a response is required, Defendant denies the allegations stated therein and demands strict proof thereof. Proof, please. cjt

9. As to Paragraph 10 of the Complaint, Defendant admits the allegations stated therein, except for the property address provided for "Property 2" with TMS No. 514-11-00-064, which Defendant denies. Upon information and belief, Defendant states that per the County records, the physical address of this parcel is listed as "6th Street" and that it is located on the corner of the 5th Avenue and 6th Street. For the remainder of this Answer, Defendant adopts the Complaint's use of "Property 1" to mean that parcel with TMS No. 514-11-00-065 and "Property 2" to mean that parcel with TMS No. 514-11-00-064. Collectively, Property 1 and Property 2 shall hereinafter be referred to as the "Subject Properties."

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10. As to Paragraphs 11-13 of the Complaint, Defendant denies the allegations set forth therein to the extent that they may be inconsistent with the public records and demands strict proof of same. Proof, please. cgs

11. Upon information and belief, Defendant admits the allegations of Paragraph 14 to the extent that Charla Tolbert McMillian has passed on? up, but lacks sufficient knowledge to either admit or deny the remaining allegations of said Paragraph, therefore denying same, and demands strict proof thereof. Where is Charla? Proof of her whereabouts has never been established. If deceased describe by autopsy the findings pertaining to death. cgs

Charles, where is your loving sister my niece, Charla?

12. As to Paragraph 15 of the Complaint, Defendant denies the allegations contained therein and demands strict proof thereof. Proof, please, Charles. cgs

13. As to Paragraphs 16 and 17 of the Complaint, Defendant denies the allegations set forth therein to the extent that they may be inconsistent with the public records and demands strict proof of same. Proof?, please, Charles. cgs

14. As to Paragraph 18 of the Complaint, Defendant admits, upon information and belief, that Charla Tolbert McMillian passed away, but Defendant lacks sufficient knowledge to either admit or deny the remaining allegations of the Paragraph, and therefore denies same and demands strict proof thereof. Please, Charles. cgs

I need official info surrounding where Charla is and why is she there?

15. As to Paragraph 19 of the Complaint, Defendant denies the allegations stated therein and demands strict proof of same. Proof, please, Charles. cgs

16. Paragraph 20 of the Complaint is a request for relief and /or conclusion of law and requires no response, however, to the extent a response is required, Defendant denies the allegations stated therein and demands strict proof of same.

~~Neither Appellant has found proof that there was then proof on my Appellant's signing any ever newly executed Deed(s) of Distribution for the subject herein.~~ cgs

~~Appellant~~ Dicaus Dist.

* There is included in appellants Record on Appeal that Respondents had a new execution or more created and recorded as to Ikon Bates or some person or persons other than Defendant herein. No. Two [illegible]

ELECTRONICALLY FILED - 2022 Mar 01 9:16 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

ANSWER AND AFFIRMATIVE DEFENSE TO SECOND CAUSE OF ACTION
(Partition)

17. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein.

18. A response is not required to Paragraph 21 of the Complaint, however, to the extent a response is required, Defendant denies the allegations stated therein and demands strict proof thereof. Proof, please

19. As to Paragraph 22 of the Complaint, Defendant admits, upon information and belief, that Plaintiff has standing to bring this action, but denies that Plaintiff is entitled to compel partition, which Defendant contends is a conclusion of law, and strict proof of same is demanded. There is no proof of action herein by Plaintiff(s) defeat the decedent's last will and Testament

Cont'

20. Defendant lacks sufficient knowledge to either admit or deny the allegations of Paragraph 23 of the Complaint, and therefore denies same and demands strict proof thereof.

Supply proof, please in documented form

21. Paragraph 24 of the Complaint is a conclusion of law and requires no response, however, to the extent a response is required, Defendant denies the allegations stated therein and demands strict proof of same. Proof, please

FURTHER ANSWER TO COMPLAINT

22. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein.

23. Defendant moved into the residence located on Property 1 to care for her parents, Helen and Fred Tolbert, in or around 1995. 1995 and remained exclusively and consistently openly, actual and naturally who knew?

Cont' out who knew??

24. Defendant walked away from her career and uprooted her life in Miami, FL to move into the residency to care for her parents. Truth

The School system staff members (1995-2020 Sch. Shut down)
Postal Service
neighbors
church friends and officials

Page 4 of 9

heirs who speak up and truthfully. See Defendants Trial Brief at the SC Court of appeals on to all parties part of the subject claims)

ELECTRONICALLY FILED - 2022 Mar 01 9:16 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

25. Defendant's children also made personal sacrifices by leaving college to move into the residence and assist their mother with the care of Helen and Fred Tolbert.

26. It was Defendant's primary purpose and goal to care for her parents and avoid the need of placing them in an assisted living or nursing care facility. No other Party hereto assisted Defendant with the care of Helen and Fred Tolbert or the Subject Properties from 1995 to 2003 when Helen Tolbert passed away. My devotion, love, Care and Compassion gives and gave me, Defendant/Appellant permission and right to live on Subject properties forever. The

27. But for the sacrifices made by Defendant, Helen and Fred Tolbert would have needed to be placed in an assisted living or nursing care facility, and the Subject Properties would have gone to tax sale. Cont The change Came with my arriving to aid to our worthy parents

28. Due to Defendant's long-time residency at the Subject Properties with her parents, and the respect and goodwill developed over the years by Helen and Fred Tolbert prior to their deaths, Defendant has a strong sentimental attachment to both the Subject Properties and the Scanlonville / Remly's Point community. These are monumently realy true, Cont heartfeltly.

29. No other Party to this action resides in the area. Never. The reside on their Cont multiple properties across the Country.

30. No other Party to this action, other than Betty Jean, has even visited the Subject Properties since 2003.

31. Upon information and belief, all their Parties have their own residences. In fact, certain Parties have multiple residences. True while C. Tolbert Smith has only 338 Fifth Ave, Mt. Pleasant, SC 29464 for a roof over her heads

32. The Subject Properties of this action are Defendant's sole and primary residence in which she lives full time. Now 28 yrs With Power Of Atty. 8 of those years, Cont With assigned full control of our parents health, welfare, safety, finances and all. Go

33. No other Party to this action, other than Defendant, has made any contribution to the Subject Properties, whether financial or via sweat equity See #32 just above.

Defendant provided the best in life for Fred and Helen Tolbert and Fred regarding, foods; medicals regularly; hospitalizations; outings travel to thy secretes Health Resort; to Miami; to funerals out of town; restaurants in hotels and not walks on Lake (Colonial) Interests

ELECTRONICALLY FILED - 2022 Mar 01 9:16 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

34. Defendant has solely paid all property taxes for the Subject Properties since 2003 without any assistance or contribution from any other Party to this action. Proven

35. Defendant has solely maintained the Subject Properties since 2003 without any assistance or contribution from any other Party to this action. Did so regularly; Had recent problems with recent minor repairs; plumbing created a sprale in one ceiling below, Cont' repair to fencing damaged be recent Hurricane Ian and by SCEG and Xylem branch Cutter who failed to Catch branche that destroyed fencing also remaining hurricane clean up due to too fee workers to hire, Cpl.

36. Defendant has solely paid for property insurance on the Subject Properties for approximately the past five (5) years without any assistance or contribution from any other Party to this action.

37. Defendant has incurred significant financial expenses in maintaining and improving the Subject Properties since 2003, including but not limited to necessary roof repairs actual new complete roof, exterior painting, HVAC, window air (2) and land build up, without any assistance or contribution from any other Party to this action. yard sand build up Chainlink fencing Kitchen update

FIRST COUNTERCLAIM
(Adverse Possession)

38. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein.

39. Defendant has possessed the Subject Properties for a continuous and uninterrupted period of at least ten (10) years. 27 years ~~now~~ 28 yrs. 2023. cp.

40. Defendant's possession of the Subject Properties has been continuous, open, hostile, actual, notorious, and exclusive.

41. Upon information and belief, Defendant is entitled to an order from the court granting her title and ownership of the Subject Properties in fee simple, free and clear of any claims of any other Party herein to any right, title or interest in the Subject Properties. If any element necessary herein, those listed along with proof shown by Caselaw in Defendant's Initial Brief ~~pa~~ now Appellant's support title of Adverse Adverse Possession.

ELECTRONICALLY FILED - 2022 Mar 01 9:16 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

SECOND COUNTERCLAIM
(Accounting)

42. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein.

43. Defendant is entitled to an accounting of the costs and expenses related to the maintenance and improvement of the Subject Properties, including but not limited to, property taxes, property insurance, roof repairs, land build up, utilities, etc. Ave, look it up

8/33 call

THIRD COUNTERCLAIM
(Quiet Title & Partition)

44. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein.

45. Defendant requests that the Court determine the ownership interests of the respective Parties. If Plaintiff Quit Title defeats a Last will and Testament and only if Defendant agrees with any Deed Dist,

46. Defendant requests that the Subject Properties be partitioned by allotment, and that title to the Subject Properties by placed solely in Defendant's name. cpb

47. Defendant requests that in determining the ownership interests of the respective Parties, that the Court take into consideration the important equitable factors including but not limited to length of ownership, residency in the properties, sentimental attachment, and pecuniary interests of the respective Parties.

48. Defendant requests that Plaintiff and Co-Defendants' ownership interest be reduced or set off by the equitable factors and accounting. agreeable. cpb

49. Upon information and belief, in light of these equitable factors and accounting, Defendant is entitled to a partition by allotment, with the Subject Properties to be solely titled in her name in fee-simple, to the exclusion of the other Parties to this action. agreeable

ELECTRONICALLY FILED - 2022 Mar 01 9:16 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

FOURTH COUNTERCLAIM
(Attorney's Fees and Costs)

50. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein.

51. Pursuant to S.C. Code § 15-61-100, Defendant requests that the Court award her reasonable attorney's fees and costs for this action.

WHEREFORE, having fully answered the Complaint, Defendant respectfully prays that this Honorable Court award the following relief:

A. That the Court order and decree Plaintiff to be the sole owner in fee simple of the Subject Properties, free and clear and clear of any claim, lien or interest of the Defendants, their heirs, successors and assigns, and that the Plaintiff and other Co-Defendants be foreclosed of any right, title or interest or equity of redemption in the Subject Properties under the ten year adverse possession statute

B. That the Court require an accounting for the common costs and expenses related to the Subject Properties;

C. That the Court issue an order determining the Parties' respective interests in the Subject Properties in light of the accounting and appropriate equitable factors;

D. That the Court issue an order partitioning by allotment the Subject Properties in favor of Defendant and to the exclusion of the other Parties to this action;

E. Award of reasonable attorney's fees and costs incurred for defending this action; and

F. Any further relief as this Court deems just and equitable.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

FINKEL LAW FIRM LLC

s/ Malena A. Dinwoodie
Malena A. Dinwoodie (S.C. Bar No. 103978)
4000 Faber Place Drive, Suite 450
North Charleston, South Carolina 29405
(843) 577-5460
mdinwoodie@finkellaw.com
Attorneys for Defendant Carolyn Tolbert-Smith

March 1, 2022

ELECTRONICALLY FILED - 2022 Mar 01 9:16 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

Add certificate

03/ /2023

Part of Total Record On Appeal

Initial Brief

/

Including

Table Of Contents

Motion For Extension

Notice of Appeal

Appeal

Pro Se Announced

P

Pleading For The Court's indulgence & Mercy

Table of Authorities

Preliminary Statement

Summary of Argument

Argument

Add certificate

Certificate of Service

All Parties proven by Form 7 and more earlier

Incomplete as to notices
Notices from the Appellant
the subject

IN THE DISTRICT COURT OF APPEALS
DISTRICT, STATE OF SOUTH CAROLINA

CAROLYN T. SMITH
APPELLANT,

V.

CHARLES TOLBERT
THE HEIRS OF HELEN G. TOLBERT
RESPONDENTS

INITIAL BRIEF OF APPELLANT

ON APPEAL FROM THE CIRCUIT COURT
NINTH JUDICIAL CIRCUIT IN AND FOR
CHARLESTON COUNTY, SOUTH CAROLINA
HONORABLE MIKELL R. SCARBOROUGH CIRCUIT
JUDGE

CAROLYN T. SMITH
PRO SE
APPELLANT
338 FIFTH AVENUE
MT. PLEASANT, SC 29464
(1-843)-216-6960
PRO SE

Copy 3

Note; This information mailed by certified ret receipt to the SC Court of Appeals to arrive 01/03/2023. Any delay associated w/ holidays. Also Counsel & Appellant were in transition. Appellant learned of Counsel's refusal to appeal caused a necessary delay. cjs

Copy 5

Exhibit 1

South Carolina Court Of Appeals
1220 Senate Street
Columbia, S.C 29201
January 7, 2023

CASE No.: 2021 cp 10 04058

Carolyn T. Smith — Charles Talbert et al.
Appellant Pro Se — Respondents

By Order Of The Court: Exhibit #1

Appellant, Carolyn T. Smith appeals the Order [Judgment] by the harable Mikell R. Scarborough entered November 8, 2022 following a hearing September 21, 2022. Appellant received notice December 1, 2022 i.e. notice of Orde [Judgment]. Appellant now without Counsel and in search of Counsel proceeds Pro Se. Appellant has contacted two attorneys unable to take my case. I can only use limited legal sources supplied to me by assistants at the reference desks of the County libraries. I continue my serious search for help. I certify that you will find enclosed a copy of the original Court order [Judgment].

In conclusion, I shall deeply appreciate the Court's indulgence herein. I there by beg your decision to allow the extension of time that I've requested in a motion.

Case note: All parties noticed during holidays Dec. 22 and Jan 3, 2023

Copy 1 2nd mailing
Mine
add Initial 11 certs
Extra

Exhibit #2.

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, S.C. 29464
Tel-11-843-216-6960 12/19/2022 ← *

*→ Motion For Extension CASE No.: 2021-Cp-10-0405
To The S.C. Court Of Appeals:

Exhibit #2 — — → Extension Requested

I pray the Court's indulgence as you receive this written request for an extension to appeal Summary Judgment order [Judgment] of the Honorable Mikell R. Scarborough, Hearing date September 21, 2022. There is genuine issue as to material fact never brought, hence not addressed at hearing. I pray said issue be heard. I come Pro Se; eighty five yrs. of age; no legal knowledge; no computer skills; but with a passionate attachment to the property in question. I've lived there 27 years.

All Counsel Of Record each has been notified of my intent to pursue the matter.

Yours truly,
Mrs. C. Smith
Carolyn T. Smith

P.S. I am in search of Counsel as I move forward, hoping to expedite in this matter. I shall deeply appreciate your indulgence herein CASE No.: 2021-Cp-10-0405-8

2021-CP-10-4058

01/31/2023

Exhibit B

Please note: mailed then filed a month later, i.e. again mailing earlier that 1/27/23

The South Carolina Court Of Appeals

January 27, 2023

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, SC 29464

2023 JAN 31 PM 2:57
JULIE J. ARMSTRONG
CLERK OF COURT
BY DGR

Mailed to parties Dec 2022 - Jan. 3rd 2023

Re: Keith Tolbert v. Carolyn Smith
Appellate Case 2022-001815

TO the Court Of Appeals:

I, appellant Carolyn Smith, did mail by Certified mail with return receit, the/an identical Initial Breif all inclusive as that which I mailed via U.S. mail sent to The South Carolina Court of Appeals in and about January 3, 2023. * Appellant Carolyn Smith included in Copies of Notice Of Appeal, Motion For Extension and The Initial Brief The Certificate of Service. Appellant Carolyn Smith has proof of Service by signed receipts returned to me and will make avail a copy of this response herein to all Counsels for all parties. Please See page 2 attached.

Please note: Motion for Etension and Announcement of appeal are under seperate Cover to all Counsels for Plaintiffs and a seperate to Pro se Partie, Dr. Betty J.T. Jones

Carolyn Smith

Copy of Extra

Secured From: Form 1

→ Notice of Appeal In A Civil Case

The State Of South Carolina
In The Court Of Appeals
In The Supreme Court

Appeal From Charleston County
Court Of Common Pleas

Mikell Scarborough Circuit Court Judge

CASE No.: 2021cp10-04058

The Heirs Of Helen A.G. Tolbert - Four
Betty J.T. Jones, Sara J.T. Latten, Respondent(s)
Keith LaTray Tolbert, Charles L. McMillian, III AKA Charles Tolbert

V.

Carolyn Tolbert Smith Appellant
Representative Of The Estate Of Helen A Grant Tolbert

→ Notice Of Appeal

Carolyn Tolbert Smith appeals the order [Judgment] of the Honorable Mikell R. Scarborough dated September 21, 2022. Appelant received written notice of entry of this order [Judgment] on December 1, 2022.

Other Counsel Of Record

FILED
2022 DEC 19 PM 4:59
JULIE J. ARMSTRONG
CLERK OF COURT

→ First Filed, → 12/19/2022
As part of the Initial
Brief or before, CP

FILED
2023 FEB -2 PM 12:46
JULIE J. ARMSTRONG
CLERK OF COURT

Holiday Hold up
mailed Dec

Pro Se

→ Appeal In A Civil CASE
→ Request For Extension Of Time
To Enter the appeal which I, Carolyn T.
Smith appeals "the order [Judgment]" of
the Honorable Mikell R Scarborough dated
September 21, 2022. I, Appellant, Caro
lyn T. Smith received written notice
of entry of this orde [Judgment] on
December 1, 2022. via US mail
December 15, 2022

Counsel of Record

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(3) Attorney Taylor Silver For Respondent(s) All

02/02/2023

Andrews
old

First filed 12/19/2022 Exhibit

Pro Se

*→ Appeal In A Civil CASE
~~Request~~ Motion For Extension Of Time
To Enter the appeal which I, Carolyn T. Smith appeals the order [Judgment] of the Honorable Mikell R Scarborough dated September 21, 2022. I, Appellant, Carolyn T. Smith received written notice of entry of this orde [Judgment] on December 1, 2022. via US mail
December 15, 2022

Pro pusitat

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(3) Attorney Taylor Silver For Respond

(a) copy 4

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ARGUMENT	

I. The Circuit Court erred in granting Summary Judgment to Charles Tolbert in the Appellant's Counterclaim to the Plaintiff's Quiet Title Claim

II There is clearly genuine issue as to material fact by passed by the Circuit Court so the Circuit Court erred herein.

III The Cicuit Court erred in its statement under "Legal Analysis," line no. one and no. two. See "Order granting Summary Judgment."

IV The Circuit Court erred in ignoring, "Standard Of Review page two, Fender v. The Heirs of Smashum, paragraph eight extending to the top of pg. three, end of line four and lines five to ten.

V Please see Table Of Authorities + CASES Cited.

TA

Table Of Authorities

CASES:

George v. Fabri, 345 S.C. 440, 452, 548, S.E. 2d 868, 874 (2001).

Watson v. Little, 224 S.C. 359, 364, 79 S.E. (384) 2d 384, 387, (1953).
Watson 224 S.C. at 365, 79 S.E. at 387.

Grant v. Grant 288 S.C. 86, 340 S.E. 2d 791. (Ct. App. 1986)
Fender v. the Heirs of Smashum opinion No. 3639 Heard March 11, 2008. Counter claim to Quiet Title Successful inspite Of Distribution. Fender filed Quiet Title.

Standard Of Review
Fleming v. Rose 350 S.C. 488, 493, 567 S.E. 2d 857, 860 (2002).
Young v. S.C. Depart. Of Corrections, 333 S.C. 714, 718, 511 S.E. 2d 413, 415 Ct. App. (1999).
Hall v. Fedor 349 S.C. 169, 173-74, 561 S.E. 2d 654, 656 (Ct. App. (2002)

Lanham v. Blue Cross and Blue Shield of S.C 349 S.C. 356, 363, 563 S.E. 2d 331, 334 (2002).
Wood v. Bivens, 292 S.C. 76, 354 S.E. 2d 909 (1987) Brevard v. Fortune 221 S.C. 117, 69 S.E. 2d 365, (1952).

TTC

Table Of Authorities Continued

CASES:

Lusk v. Callaham, 287 S.C. 459, 460, ~~339 S.E.2d 156,~~ 157 (Ct. App. 1986)

Table of Contents continued below:

Please be advised of the following:
that Appellant shall utilize to demonstrate the Court's errings in granting Charles Tolbert Summary Judgment in the subject case. Cases cited in "The Table Of Authorities"

III The Final Order referenced in this case that of Summary Judgment in favor of Charles Tolbert was the harshest most drastic possible a party represented by Counsel that did not argue or was not allowed to argue multiple genuine issues as to material fact pushed aside by the circuit Court hence never heard at the hearing September 21, 2022.

Conclusions - Please see Separate Sheets
Certificates of Service
The Clerk Of The Court

aa

Preliminary Statement Of Reference

In this the revised Brief the parties will be referred to by the names Charles T. Defendant and the Plaintiff as C. T. Smith and the Appellant. Record on Appeal will be known by the symbol "R." They, I believe are Summary Judgment, Ouster, Quiet Title, Five SC approved elements to be satisfied in a claim of Title to Adverse Possession = "R" also

Statement Of The Case And Facts - Issues

This is an appeal from the final order handed down by The Honorable Mikell R. Scarborough as a Summary Judgment or Order [Judgment] in favor of Charles T.

The appellant is a widow, (85) eighty-five years of age; a life time caregiver to Fred W. and to Helen G. Tolbert, Appellant's parents. C.T. Smith uprooted, leaving jobs to support and care for her parents whenever critical need(s) plagued them. Examples - ① 1960-61 to care for Helen + family, Betty Jean and Sara Jo. Helen had surgery, a mastectomy. ② C.T. Smith left then; had to return 1985-1987. Helen had surgery involving the colon and liver. ③ Fred and Helen performed poorly after the death of their first born, gifted voice music major of legendary significance. Once again C.T. Smith gave notice to her employer(s) that she would have to live with and care for her parents, Fred + Helen Tolbert at the subject properties. Appellant from 1995-

to present 2023 the Appellant took employment with the Charleston County School District in 1995 and continued said employment through March 2020 when Covid-19 struck. Said employment was uninterrupted as was my residency at the subject properties. The Appellant will continue to demonstrate in narrative form multiple genuin issues as to material fact entitled to judgment as a matter of law. Appellant will make opposition to summary judgment convincingly arguable.

Facts And Issues

1. The Circuit Court erred in viewing the purpose of summary judgment when the Court decided that there was no requirement for the service of a fact finder. It followed that genuine issues as to material fact were overlooked. It, the court, erred in not following, "Standard Of Review" expressed in the case of Fender V. The Heirs of Smashum page two paragraph eight, the SC Court of Appeals.

Statement

Summary judgment is appropriate when there is no genuine issue as to material fact and the moving party (the Appellant) is entitled to judgment as a matter of law. Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002).

CC

Even where no dispute as to evidentiary facts exists, but only as to the conclusions of inference to be drawn from them, Summary judgment should not be grant Hall V. Fedor, 349 SC 169, 173-74, 561 S.E.2d 654, 656 (Ct. App. 2002) Moreover, Summary judgment is a drastic remedy that should be cautiously invoked to ensure no person is improperly deprived of a trial of disputed factual issues. Lanham V. Blue Cross + Blue Shield of S.C. 349 SC. 356, 363, 563 S.E.2d 331, 334 (2002)

Appellant was deprived of any opportunity to defend my Case of Adverse Possession. The Circuit Court gave preceden t to hearing first the Claim for Summary judgment; accepted an argument that falsely accused the Applant of having executed some kind of corrective deed which bore forgeries of my signature and of my name printed where a signature should have been. Counsel for Keith L. Tolbert and Charles Tolbert alone saw to execution of a said Corrective Distribution Deed. The circuit Court erred in not establishing or not determining veracity per Said Corrected Deed. Appellant never signed on to said Deed that could be and was used to aid Charles Tolbert's efforts to prevail and further his drastic Quiet Title claim. The circuit Court failed. The circuit erred in the matter described above. The Circuit Court erred in arbitrarily con-

dd

sidering a sixth element, "Ouster" to be satisfied in order to prevail as to Title to Adverse Possession.

The State of SC requires that only five elements be satisfied, verified by two different references from the reference desks of The Charleston County main library and by the Mt. Pleasant Branch of said library system.

The Circuit Court erred when it did not consider any and all of triable issues below, issues of fact the triable issue are:

The Circuit Court claimed that it did consider the memoranda, documents and arguments of counsel yet determined (that) to Grant the motion of summary judgment as to Carolyn Tolbert Smith:

The Circuit Court erred in that Appellant satisfied six of the required five elements required by the State of S.C. for a Claim to Adverse Possession. Said elements are:

(1) Occupation is actual and open?

Ans. Appellant resided at the subject properties beginning nineteen-ninety five to twenty-twenty three ie 19 9/10 years; provided the following before and after having been assigned power of Attorney for mother 1990's between 1995 and 1997: Provided needs per hygein, meals groceries, Supplements (food), medicals, Spiritual, physical, Social ie Concerts, physiological (tube feedings for father, Fred), restaurant outings (hotels + restaurants), travels (Hippocrates Health Resort in W. Palm Bch., FL

e.e

(three weeks), Miami, FL, trips to funerals, weekly hospital visit for post cancer treatments for mother, hospitalization and after care for daddy, Fred, wheel chair walks daily for Fred, lake walks for Helen, at home socializing after I left work, daily outings, sightseeing by car and much more during the years 1995-2003 eight yrs.

(1b) Occupation was continuous, uninterrupted.

(2) Occupation was notorious-famous 1995-2023? Ans. Appellant's address that of the subject properties was known by the I.R.S, the Chas. County School District Appellant's employer. (When) Kelly Services became the employer for (the) said School District Appellant confined to work in the system (to and) until schools were closed March 20, 2020. In addition the postal service continually delivered mail to the Appellant 1995-2023. Appellant adopted utility pymts, but never removed my mother's name from the account. The Appellant has some invoices of many improvements made at the subject properties upkeep by the Appellant includes a new six thousand dollar roof, yard care and ground build up costing $3000.00 three thousand plus dollars. Appellant added new appliances to the kitchen including a $1,400.00 refrigerator, new toilet $250.00, decorative shelves (wall) fixtures; tree trimmings (Several) one for $600.00, one for $250.00 and one for $400.00. New repairs start 01/09/23 for roof, a ceiling and plumbing; I'm taking ostion".

ff (4) cont

Said, "occupation" one (1) and (2) above as well as occupation time 2003 to 2022 at the time of the subject hearing i.e nineteen and nine-tenth years allowed all co owners to evince Appellant's intention to disseize, said intention was clear and unmistakable, Felder 278 S.C. at 330, 295 S.E. 2d at 642. This Claim of Adverse Possession Claim to Counterclaim Quiet Title is rare and extreme, a "Little More Than The Law Allows." The possession has been attended with such circumstances as to evince a claim of exclusive right and title and a denial of the right of the other owners to participate in the profits. Woods V. Bivens, 229 S.C. 74, 354 S.E. 2d 909 (1987) Brevard V. Fortune, 221 S.C. 117, 69 S.E. 2d 355 (1952) Herein "ouster", element no. six, is established in consideration of both the first two elements already satisfied and the remaining and cited below: Occupation is hostile?

(3) Ans. Occupation is hostile and has been since the time that Helen chose the P.A. of Helen's finances, health and more. One sibbling refused to sign on with approval. Charles T. visited only to have an acquaintance of Charles T. witness my answer to his concerns about Helen Charles T's grandmother's properties upon her death. She was in his presence listening. Charles T. showed no love, no concern for Helen only for her money. Charles T. We ousted in 1985, 86 when Charles T. and Charla wrote separate smutty nasty letters → (Appellant lived with Fred and Helen, 1985-'87).

98 (4) copy

letters to Helen, their loving, Caring grandmother in response to their darling grandmother's invitation to Helen and Fred's renewing of their vows after fifty years of marrige. Charles T only returned for Helen and Fred's funeral. Charla and Charles stayed at a hotel. Keith chose to disrespect his grandmother, Helen. He did not attend her funeral but was quick to file "Quiet Title" the drastic claim to gain Helen's money. Appellant's exclusive possession was clearly viewed as a certain, turning out; the ouster of co owners because among other evidence already cited, the Appellant gave rooms designated for the co owners previously for the sole accupancy of each co owner and or the family members there of. Appellant denied said former occupants their rooms. Appellant assigned said rooms to the Appellant's family members. Co-owners no longer had free run-of-the home. The Appellant's family had exclusive possession of subject properties clear and convincingly Watson, 224 S.C. at 365, 79 S.E. 2d at 387. One claiming title to land by adverse possession has the burden of providing adverse possession by clear and convincing evidence; Per The adjacent lot the Appellant maintained fencing around said lot 327. Appellant dogs (fourteen) were allowed to run freely on said lot and to live on said lot 1998-2015. Appellant paid (for) the taxes 2003-2022; paid yard care;

2

Package - both properties one which both attended and attended the funeral

hh

Lusk v. Callaham, 287 S.C. 459, 460, 339 S.E. 2d 156, 157 (Ct. App. 1986

(a) 4 Duster took place? = Arbitrary element "6"
Ans. Title by ten years adverse possession by a co owner against another may be acquired only after actual ouster of which the the latter has notice, Or should have in the exercise of a reasonable dilligence and vigilance. Watson v. Little, 224 S.C. 359, 364, 79 S.E. 2d 384, 387 (1953).

(b) 4 Duster is the actual turning out or keeping excluded a party entitled to possession of any real property, Grant v. Grant, 288 S.C. 86, 340 S.E. 2d 791, (Ct. App. 1986)
accomplished

(c) 4 Hostility?
Ans. While the possessor need not give express notice of the hostility of his possession to the others, the nature of it must be brought home, as if it had been said to the other(s) owners - Page five, paragraph two lines 8, 9, 10. Examples of convincing, unmistakable, unequivocal and clear hostile possession and Duster were Was seen and known by co owners never having been given Keys to the subject property. But Appellant's grand child and children had Keys given by the Appellant. Said Children + grands took over rooms designated for the co-owners and their families. Only the Appellant's families could spend holidays at the subject home.

Appellant's letter to co., telling they had done little to be deserving.

5.) Exclusive Possession?
Ans. Co owners acknowledged my exclusive possession convincingly by their letters and phone calls to Appellant, asking of me a share in the profits by the sale of the subject property, more than once. Co owners', seeing that unmistakably the Appellant had exclusive possession; that their vigilance, their exercise of reasonable diligence proved the Appellant's exclusive possessin of the subject properties; Co owners hastily came to the decision to attempt to share in the profits by filing the claim of the drastic measure, Quiet title, to combat what they interpreted as hostile ie Appellant's possession and sole authority in ownership of the Subject properties where the Appellant occupied for (27) twenty-seven year without interruption, eight of said years, caring for their parents, saving said Coowners hundreds of thousands of dollars and doing so without any help of the lower court, the Circuit Court erred in relying on the following statement that Appellant's Counterclaim to Quiet Title would be defeated by a Deed of Distribution. Indication herein is that Counsel for Charles T. needed a Corrective Deed of Distribution to make the case hence manufacture another need to make the, "Defeat" case.
Response Queen Smashum successfully Counter-Claim to Quiet Title. See Fender v the Heirs to Smashum page two, paragraph Six. There was Distribution

(3) copy

Summary Of Argument

The Circuit Court erred in Granting Charles T. Summary judgment. The Circuit Court erred in not examining the veracity of signatures on the alledged executed Corrective Deed of Distribution used by Counsel for Charles T. in an effort to block Ouster and in turn to try to halt my ability to prevail in/with my Adverse Possession Claim. The circuite Court erred in allowin Counsel for a Summary judgment matter, on behalf of Charles T. to be heard first at the hearing, September 21, 2022. The circute Court erred in hastily ending the hearing, making said hearing an open and shut case in favor of Charle T and Counsels for Charles T. and Keith L. Tolbert et al. except Appellant, Carolyn T. Smith. The circuit court erred in arbitrarily making "Ouster" an element among the five elements prescribe by the State of S.C. and recognized as sufficient to satisfied to prevail in an Adverse Passession case. The Circute Court erred in its decision to have a Deed of Dist. defeat all the means of Ouster. Surely if a Quiet Title is not defeated by a Deed of Distribution Adverse Passession ~~nor ouster can~~ be defeated by said Deed.

KK

Argument

The circuit Court erred in Granting (Charles Tolbert) Charles T. Summary Judgment in the Subject Case wherin Carolyn T. Smith Counterclaimed to Quiet Title. Hence Appellant brings and Appeals the cause.

Summary Judgment is a drastic remedy and should be invoked with Caution so that no one is improperly doied or deprived of a trial of disputed, factual issues

Lanham v. Blue Cross and Blue Shield of S.C. 349 S.C. 356, 363, 563 S.E. 2d 331, 334 (2002)

Therein as Appellant reference all argument cited under, "Statement Of The Case And Facts - Issues"

LL

Conclusion

For all the reasons set forth above (the) Summary Judgment should be reversed and the cause be remanded for a new trial and be remanded for entry of a new mediation "Hearing" and trial by jury should mediation results warrant a trial by jury (added).

Respectfully Submitted

Carolyn Tolbert Smith

Carolyn Tolbert Smith
Pro Se
338 Fifth Avenue
Mt. Pleasant, SC 29464
(843) 216-6960
Pro Se Party

Note, please find Appellant Below response in the dark, Respondent(s) has not notified Appellant of Motion to Dismiss with Prejudice. I heard Said accidently by name Katelyn whom I called to question movement in my case

1st attempt to respondbly

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211

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February 15, 2023

Carolyn Tolbert Smith
338 5th Avenue
Mount Pleasant SC 29464

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

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.

First Response without Respondents Motion To Dismiss Which has not been Supplied to me, Appellant, Carolyn T. Smith.

document received per

Return To The Motion And Motion for Extension of Time

On February 14, 2023, it was brought to my attention that Respondent in Case 2022-001815

filed a motion To Dismiss Appellant's Appeal in the Case afore 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 I, 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 dismiss:

(a) 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.

(B) 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 it's decision to add a sixth element to the five(5) 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 bo 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. 83, Caring for Ma and pa, Fred + Helen Tolbert, through 2003, December and there after 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.; 7 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;

7b 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 propertise under heavy mortgage in order to secure thousands of dollars to buy the interest of those who care nothing absolutely for "Preservation" of a phenomanal 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; 8 Haste 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 imbalance in the scales of justice. Appellant seeks justice as the one child with the aid of her child sustained the decent and her husband substantially long before and during the years 1995-2003; mained maintained the property and saved said property from loss because of payments to assisted living or unpaid taxes.

Certificate Of Service

The Clerk Of The Court
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SC Court Of Appeals
1220 Senate St
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February 10, 2023 Note: Doc' prepared much earlier than said was mailed to Appellant, putting Appellant at a decided disadvantage. It's egregious. CGA

Received Feb 18th 02/17/2023

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Mt. Pleasant, SC 29464

William K. Kalivas, Esq.
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Alwyn Taylor Silver, Esq.
PO Box 1665
Georgetown, SC 29442

Betty Jean Tolbert Jones
1311 Delaware Ave SW, Unit South 843
Washington, DC 20027

Re: *Keith L. Tolbert, Respondent vs. Carolyn Tolbert Smith, et al., of whom Carolyn Tolbert Smith is the Appellant*
Appellate Case No. 2022-001815

Dear All: Motion To Dismiss ..

In reference to the matter listed above, enclosed for service please find a copy of my clients' Motion to Dismiss Appellant not noticed about Motion To Dismiss Feb 17/18/2023 with about 3 to 4 days to respond Feb. 21/2023

With kind regards, I am

My timely due response herein is 03/17/2023 CGA 03/01/2023

Respectfully,

Ashley G. Andrews

Enclosure(s) as stated

cc: Charles Tolbert

Note, Please: A severely egregious act here: Appellant, Carolyn Tolbert was not noticed by Respondent until Appellant called the Court of Appeals asking questions in and about Feb. 14, 2023, at which time Appellant was told of a Motion to Dismiss Appellant's CASE. At that time Appellant had 7 days not 30 days to respond to the Appeals Court. Finally Feb. 18th Appellant received the motion. CGA

Appeal Payment Re: Fee

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, SC 29464
January 18, 2023

The South Carolina Court Of Appeals

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

Honorable(s) Messieurs et Mesdames:

I, Appellant, Carolyn Smith Now respond to the Court's requirement of a total of $300.00, the Cost regarding Appellant's motion for an Extension) while I continue my search for counsel. Appellant, Carolyn Smith has included the cost for the, Notice To Appeal. Appellant learned of cost requirement(s) upon speaking with miss Kateland via telephone. She informed me that three (3) letters were mailed to me pertaining. I received only the one (1), informing me of the case number assigned and instructions to follow as one pursues herein. Thank you Kindly. I, Appellant, Carolyn do pursue steadfastly as I search favorishly for Counsel.

Respectfully,
Carolyn Tolbert Smith, Pro Se

ELECTRONICALLY FILED - 2022 Sep 09 3:37 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 **DEFENDANT CHARLES TOLBERT'S MOTION FOR SUMMARY JUDGMENT**

TO: MALENA A. DINWOODIE, ATTORNEY FOR DEFENDANT CAROLYN TOLBERT SMITH:

Defendant Charles Tolbert, individually and as Personal Representative of the Estate of Charla Tolbert McMillian ("Moving Defendant"), hereby moves the Court for an Order granting summary judgment as to Defendant Carolyn Tolbert Smith's ("Defendant Smith") counterclaim for adverse possession in the above-referenced matter. Moving Defendant asserts that there are absolutely not. CT Smith no genuine issues of material fact and that the Moving Defendant is entitled to judgment as a matter of law. Specifically, Defendant Smith claim for adverse possession based on a ten (10) year period of interrupted period is a misstatement of well settled South Carolina law. The parties to the within action hold title as tenants in common, having inherited the Subject Property from ancestors as evidenced by the estate files and deeds of distribution of record in Charleston County. A claim of adverse possession by one cotenant against one or more cotenants, in additional to the elements of adverse possession requires ouster of the cotenant(s). "Only in rare, extreme cases will the ouster by one cotenant of other cotenants be implied from exclusive possession and dealings with the property, such as collection of rents and improvements of the property." *Felder v. Fleming*, 278 S.C. 327 at 331, 295 S.E.2d 640 at 642. "Ouster is presumed from possession only if it is continued

Insane

Now I understand why my Counsel, Atty. Dinwoodie would not agree to appealing my case No: 2021CP10-04058

Said cotenants posted relinquish cotenancy to subject properties. No longer is cotenancy by law

" " " don't Quiet Title to Partition and sell property against the Will of an heir.

It defies the the "Last Will and Testament of the decedent. Said Will defeats Quiet Title CTS

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for a period of twenty years. Title by ten years' adverse possession by a cotenant against another may be acquired only after actual ouster of which the latter has notice, or should have in the exercise of reasonable diligence and vigilance." *Watson v. Little*, 224 S.C. 359 at 364, 79 S.E.2d 384 at 387 (1953).

Defendant Smith has failed to oust any cotenant as her use of the Subject Property has been with the permission of her cotenants and, as cited above, occupancy of the property and routine maintenance/improvements to the property only constitutes ouster in "rare, extreme cases."

Further, Defendant Smith has failed to establish ouster by exclusive possession for a period of twenty years. Helen Alice Grant Tolbert was living in the Subject Property until her death on December 25, 2003. The within action was filed on September 2, 2021, less than 18 years from the date that Helen Alice Grant Tolbert died. In addition to the foregoing, Defendant Smith also signed numerous deeds of distribution as Personal Representative of both the Estate of Fred William Tolbert and the Estate of Helen Alice Grant Tolbert. One was signed as recently as January 13, 2013. This is further evidence that Defendant Smith was aware that the parties to the action were her cotenants and further proof that she has not had exclusive possession of the property for more than twenty years.

At no time prior to Plaintiff Keith Tolbert's filing of the Summons and Complaint in the within action did Defendant Smith bring any action against the Plaintiff or Defendants to put them on notice that Defendant Smith believed she had exclusive possession of the property. Likewise, Defendant Smith failed to allege adverse possession or exclusive use of the property when she filed a twelve-page responsive pleading on June 4, 2018 in the matter captioned *Sarah Tolbert Latten v. Betty Jean Jones, et. al*, Charleston County Case No. 2018-CP-10-2242.

In addition to the foregoing, this motion is based on the South Carolina Rules of Civil Procedure, the common and statutory law of South Carolina, matter of public record, answers to

Not at all

Which is the case precisely

lies NO 19½ yrs

outright lies. Defendant Carolyn signed only one deed of distribution

Lie

I signed only once that in 2011 (w) Atty Counts

Defendant Knew just the opposite, I was in exclusive possession. CJB

In the exercise of reasonable deligence and vigilance eg I had power of Atty in charge of finances, Care provisions for parents and their possessions; 2003 to 2021

The Plaintiffs blind sided Defendant Smith. Their hidden net in a pit came a fiery dart.

Defendant Smith had no legal counsel to advise me of legal tactic to advise, Defendant with no attorney worked disadvantaged sorely. CJB

Here in Defendant Smith had no legal counsel. Sara Tolbert Latten has a J.D. from Cont Rutgers. once I secured counsel, counsel (w) legal expertise made proper steps to halt the illegal Quiet Title action. Her powerful Counterclaim argument was barred. Barred at 9/21/2021 Hearing.

I maintain said dwelling and lot for 19 more years / roof, paint, grounds, built up, kept keeped land, air the cat doors kat chew appliances trash bins cats doctors' visits hospitalization taxes

6 and more ozone water wheat grass ozone pool 3 meals hygein socialization my steady job 1995-2020 taxes] meetings, restaurants, health resort octogenarian celebrate exterior paints

discovery, and any other evidence which may be admissible by the Court. Moving Defendant, reserves the right to submit a Memorandum in support of his motion prior to a hearing.

Carolyn was not privy of said right or reserve. I have ever seen evidence of any such memorandan offered by my counsel

Defendant, Carolyn Tolbert Smith met every element satisfactorily all Six(6) It was all barred at 9/21/2021 Hearing in Case No.: 2021CP-10-04058, a travestry of justice. Judge allowed counsel for Charles L. McMillian III AKA Charles Tolber, Ashley Andrew, Esq. to take over the Hearing, Counsel for Counter Claim made an excuse for a Deed of Distribution which Defendant/Plaintiff in Counter Claim was falsly accused of having executed a Deed of Dist that I had nothing to do with. CJS

s/Ashley G. Andrews
Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, SC 29407
843.762.3554
andrews@lafondlaw.com
Attorney for Charles Tolbert, as Personal Representative for Estate of Charla Tolbert McMillian

Charleston, South Carolina
September 9, 2022

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NO need to

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STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 **ORDER GRANTING SUMMARY JUDGMENT**

This matter came before me on Defendant Charles Tolbert's Motion for Summary Judgment as to Defendant Carolyn Tolbert Smith's counterclaim for adverse possession. Defendant Charles Tolbert's motion was filed on behalf of Mr. Tolbert individually and also as Personal Representative of the Estate of Charla Tolbert McMillian.

A hearing on the motion was held before me on September 21, 2022. Plaintiff Keith L. Tolbert was present with his attorney, William K. Kalivas. Defendant Carolyn Tolbert Smith was present with her attorney, Malena A. Dinwoodie. Defendant Charles Tolbert, both individually and as Personal Representative of the Estate of Charla Tolbert McMillian, was present with his attorney, Ashley G. Andrews. Defendant Betty Jean Tolbert Jones was present but was not represented by counsel. Defendant Sara Jo Tolbert was not present, however she was represented by her Guardian *ad Litem* and attorney, Taylor Silver, who was present.

The within action involves two adjacent parcels of real property located in Charleston County, South Carolina. The first parcel, referred to as Property 1 in the Complaint, is commonly known as 338 5th Avenue, Mt. Pleasant, South Carolina. The second parcel, referred to as Property

Summary judgment
Circuit

2 in the Complaint, is a vacant lot located at the corner of 5th Avenue and 6th Street, Mt. Pleasant, South Carolina.

Plaintiff brought this action seeking to quiet title to the property and to partition the property. A consent Order to Quiet Title was filed on August 15, 2022 (the "Consent Order"). The Consent Order confirmed title to both Property 1 and Property 2 as follows: Keith L. Tolbert a 20% interest, Carolyn Tolbert Smith a 20% interest, Charles Tolbert a 10% interest, Betty Jean Tolbert Jones a 20% interest, Sara Jo Tolbert Latten a 20% interest, and the Estate of Charla Tolbert McMillian a 10% interest. Thereafter, a Deed of Distribution conveying the interests of the Estate of Charla Tolbert McMillian to Charles Tolbert was recorded in the ROD Office for Charleston County on August 18, 2022 in Book 1132, Page 072.

In the Consent Order, Defendant Carolyn Tolbert Smith reserved her right to have her counterclaim for adverse possession heard at a hearing scheduled for September 21, 2022.

After considering the memoranda, documents, and arguments of counsel, this Court hereby GRANTS the Motion for Summary Judgment as to Defendant Carolyn Tolbert Smith's counterclaim for adverse possession.

FINDING OF FACTS

At the time of her death on December 25, 2003, Helen Alice Grant Tolbert owned a 75% undivided interest in Property 1 and was the sole owner Property 2. Helen Alice Grant Tolbert also resided in the home located on Property 1 as evidenced by her Certificate of Death.

Helen Alice Grant Tolbert's estate was probated in Charleston County, South Carolina as Probate File No. 2010-ES-10-01356 (the "Estate").

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Defendant Carolyn Tolbert Smith was duly appointed and served as Personal Representative of the Estate both in the Estate's initial administration and a subsequent administration.

I did no such thing, you know this is untrue. CPS

As Personal Representative, Defendant Smith executed several Deeds of Distribution including a corrective Deed of Distribution dated January 17, 2013 and recorded in the RMC Office for Charleston County on January 25, 2013 in Book 0306, Page 283. Prove where

LEGAL ANALYSIS

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder." *George v. Fabri*, 345 S.C. 440, 452, 548 S.E. 2d 868, 874 (2001). Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Fleming v. Rose*, 350 S.C. 488, 493, 567 S.E.2d 875, 860 (2002). Nonetheless, when determining whether any triable issue of fact exists, the evidence and all inferences, which can reasonably be drawn from it, must be viewed in the light most favorable to the nonmoving party. See *Faile v. S.C. Dep't of Juvenile Justice*, 350 S.C. 315, 566 S.E.2d 536 (2002).

error

DISCUSSION

Keith L. Tolbert, Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, and Sara Jo Tolbert Latten are tenants in common having inherited Property 1 and Property 2 through the Estates of Fred William Tolbert and Helen Alice Grant Tolbert. When a claim for adverse possession is made by a cotenant against another cotenant the party claiming adverse possession must prove all of the elements of adverse possession, namely that the party claiming adverse possession has possessed the property for a period of ten (10) years and that such possession has been actual, open, notorious, exclusive and hostile. In addition, the party claiming adverse

I have so done.

Seeing Initial Brief Respondents are aware that I prevale, so they haste to stop my progress. CPS

possession must also establish that the cotenants have been ousted from the property. See *Fender v. Heirs at Law of Smasnum*, 354 S.C. 504, 581 S.E.2d 853 (Ct.App. 2003). This is based, in part, on principals applicable to cotenancy. "A cotenant has the right, in common with his cotenants, to the possession of the property owned in common, so ordinarily the possession of one cotenant is the possession of all. The latter ceases when the exclusive possession of a cotenant becomes adverse to the right of possession by the other cotenant or cotenants; but the hostile character of the possession must be such as to amount to an ouster of the other cotenant or cotenants and must be clearly and unmistakably established by the evidence." *Watson v. Little*, 224 S.C. 359, 364, 79 S.E.2d 384, 387.

accomplished Proven in 28 yrs residency therein

See my Initial Brief

Ouster is the actual turning out or keeping excluded a party entitled to possession of any real property. See *Grant v Grant*, 288 S.C. 86, 340 S.E.2d 791 (Ct.App. 1986). "Only in rare, extreme cases will the ouster of one cotenant of other cotenants be implied from exclusive possession and dealing with the property, such as collection of rents and improvements to the property." *Felder v. Fleming*, 323 S.C. 95, 473 S.E.2d 467 (Ct.App. 1996).

Proven in 28 yrs a resident

The conduct and nature of the possessor's exclusive adverse possession must be sufficiently clear to "bring it home" to the other cotenants. See *Watson v. Little*. Possession with the permission of the cotenants does not meet the requirements of ouster. Ouster may be presumed by possession only if possession is continued for a period of twenty years. See *Freeman v. Freeman*, 323 S.C. 95, 743 S.E.2d 467.

Note: Ludicrous: My mother gave me permission to continue to live when she gave me total control of the subject properties. I had P.A. 1995-2003 All other heirs were ousted unmistakably

CONCLUSION

Even when viewing the evidence and all inferences, which can reasonably be drawn from the evidence, in the light most favorable to Defendant Smith, it appears that there is no issue of material fact as to Defendant Smith's possession of the subject properties. It is clear that her possession of the subject properties has not been exclusive for more than twenty (20) years. Her

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Mikell R. Scarborough, Master-in-Equity

Case No. 2021-CP-10-04058
Appellate Case No. 2022-001815

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.

MOTION TO DISMISS

Pursuant to Rule 260, SCACR, Respondents Charles Tolbert and Estate of Charla Tolbert McMillian (hereinafter the "Respondents") hereby move for dismissal of this appeal due to Appellant's failure to comply with the requirements of the South Carolina Appellate Court Rules.

Specifically, Appellant's notice of appeal was not filed within thirty (30) days after receipt of written notice of entry or judgment as required by Rule 203, SCACR. Appellant was represented by Malena A. Dinwoodie, Esq., of Finkel Law Firm LLC at the hearing held on

Any delay here was not my doing.

respondents notice To Dismiss: The SC Court of Appeals informed me that I had un

September 21, 2022. The Order Granting Summary Judgment (hereinafter the "Order"), which is filed 02/21/23 to respond to said Motion. Carolyn T. Smith received said motion 02/17/23. Strategically un timely (4 days).

the basis for this appeal, was electronically filed in the Court of Common Pleas for Charleston County on November 8, 2022. Counsel of record, including Ms. Dinwoodie, were electronically served with a copy of the Order on November 8, 2022. A copy of the Certificate of Electronic Notification is submitted herewith as "Exhibit A" and incorporated herein by reference. Ms. Dinwoodie remained counsel of record for Appellant until the Motion and Order for Malena Dinwoodie, Esquire to Withdraw as Counsel for Carolyn Tolbert-Smith (hereinafter "Motion/Order to Withdraw") was filed in the Court of Common Pleas for Charleston County on January 10, 2023. A copy of the Motion/Order to Withdraw is submitted herewith as "Exhibit B" and incorporated herein by reference. Pursuant to Rule 203, SCACR, any notice of appeal had to be filed within thirty (30) days of November 8, 2022. Respondents did not receive the notice of appeal until December 20, 2022. Likewise, Appellant's document requesting additional time to appeal was not timely as it was not received by the Court of Appeals until December 28, 2022.

Appellant could not have been noticed not having electronic access of not received by Ms. Dinwoodie's Client, Carolyn Tolbert-Smith.

May the Court of Appeals recognize the transition tumult here in. Counsel refused me January date, 01/10/23 does not appear anywhere in Exhibit B, making it "Unofficial."

No human can respond to what is hidden from said human; denied him, Exection be justly made and adjusted according to the date a notice is receiv Carolyn T Smith filed blindly a motion o; Return to Moti Without any notification o; of a, Motion to dismiss

(1) In Keeping with the following.

(2) Appellant's appeal was filed within the 30 day requirement.

(3) Notice dated 11/08/2022 which indicated 69 days after 09/21/22 I receiv

Appellant has not made arrangements to order a transcript of the proceeding, or if she has, she has not provided the Respondents with a copy of the correspondence with the court reporter as required by Rule 207, SCACR.

Appellant mailed Respondents a document entitled "Initial Brief of Appellant" on or about January 10, 2023. Appellant has not, to date, provided Respondents with a Designation of Matter to be Included on Appeal. Rule 209, SCACR, requires the Designation of Matter to be Included in the Record on Appeal to be filed within thirty (30) days after service of the notice of appeal. Further, Appellants document entitled "Initial Brief of Appellant" contains facts not in the record and the document does not comply with Rule 208, SCACR.

Appellant entered her Initial Breif to the SC Court of Appeals ?

Appellant not atto ney end.

Appellant the disadvantaged Struggling Pro Se

Appellant's filings are not in compliance with Rule 267, SCACR.

?

Atty

In *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992) the respondents in that matter sought to dismiss an appeal claiming the appellant's initial brief filed to comply with Rule 207, SCACR and that appellant's Designation of Matter to be included in the Record on Appeal was insufficient under Rule 208, SCACR. The Supreme Court of South Carolina found:

> Counsel is advised that the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and the Court with an orderly mechanism through which to guide appeals in this State. It is incumbent on counsel to provide material that complies with the Rules and facilitates appellate review.
>
> Although this Court would be completely justified in dismissing this appeal based on appellant's numerous violations of the Rules, we decline to do so and deny the motion to dismiss as to the Hennings.

Henning 307 S.C. 436, 437-438, 415 S.E.2d at 794. The violations in the *Henning* case were related to deficiencies in the initial brief and deficiencies in the Designation of Matter to be Included in the Record on Appeal. The Supreme Court granted the appellant leave to correct the violations within fifteen (15) days. The violations of Appellant in the within appeal are more egregious than those in *Henning*, warranting dismissal of the appeal as some of the violations are not merely failure to follow formatting guidelines, but are substantive in nature.

Due to Appellant's repeated failure to follow the South Carolina Appellate Court Rules, including Appellant's failure to file a timely notice of appeal and failure to file a timely Designation of Matter to be Included on Appeal, Respondents Charles Tolbert and Estate of Charla Tolbert McMillian move for dismissal of this appeal with prejudice.

[Signature page to follow]

EXHIBIT A

Certificate of Electronic Notification

Recipients Please note: Below Client Carolyn T. Smith not below,

Alwyn Silver - Notification transmitted on 11-08-2022 02:58:47 PM.

Malena Dinwoodie - Notification transmitted on 11-08-2022 02:58:46 PM.

William Kalivas - Notification transmitted on 11-08-2022 02:58:46 PM.

Ashley Andrews - Notification transmitted on 11-08-2022 02:58:46 PM.

Note: Those herein above are noticed as early as 01/08/2022 while Appellant received no notice before notice Came to " who " notice mid February og February 17/18/2023. Appellant, by God, made the discovery When I Continued my periodic check with the Court of Appeals for South Carolina. Still, using overnight mail responding timely in seven(7) days ie I received notice not from Respondents but through the Court and by my, Appellant's effort. This is deliberatly egregious. CS

Please note: The Respondents' behavior described above is ordinary, Common usual. CS

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******IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP1004058

Official File Stamp:	11-08-2022 02:58:37 PM
Court:	CIRCUIT COURT Common Pleas Charleston
Case Caption:	Keith L Tolbert VS Carolyn Tolbert Smith , defendant, et al
Document(s) Submitted:	Order Granting Summary Judgment as to Counterclaim Order/Summary Judgment
Filed by or on behalf of:	Mikell Scarborough

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Ashley G. Andrews for Charla Tolbert Mcmillian Estate, Charles Tolbert

Alwyn Taylor Silver for Sara Jo Tolbert Latten

Malena A. Dinwoodie for Carolyn Tolbert Smith

William King Kalivas for Keith L Tolbert

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Betty Jean Tolbert Jones for Betty Jean Tolbert Jones

Charla Tolbert Mcmillian

Carolyn Tolbert Smith for Carolyn Tolbert Smith

Carolyn Tolbert Smith for Carolyn Tolbert Smith

Betty Jean Tolbert Jones for Betty Jean Tolbert Jones

Impossible. not received electronically. There is no way to notice Carolyn T. Smith electronically neither was she served or noticed via U.S. mail so that Carolyn T. Smith received said notice timely. mail is often delayed in delivery due to placement in the box erroneously. It happened thus with the Nov. 8, 2022 Order [Judgment].

Exhibit B

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT
Keith L. Tolbert, Plaintiff, v. Carolyn Tolbert- Smith; Charles Tolbert; Betty Jean Tolbert Jones; Sara Jo Tolbert Latten; and Estate of Charla Tolbert McMillian, Defendant(s).	CASE NO.: 2021-CP-10-04058 **MOTION AND ORDER FOR MALENA DINWOODIE, ESQUIRE TO WITHDRAW AS COUNSEL FOR CAROLYN TOLBERT- SMITH**

ELECTRONICALLY FILED - 2023 Jan 10 1:17 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

WHEREAS attorney Malena Dinwoodie, Esq. ("Malena") is the attorney of record for the defendant Carolyn Tolbert-Smith ("Carolyn") in the above captioned action; and

WHEREAS Malena and Carolyn are mutually desirous to terminate Malena's representation of Carolyn in this proceeding; and

WHEREAS Malena represents that she has informed Carolyn that if she does not retain substitute counsel, she will be deemed to be proceeding pro se and without counsel, and Carolyn acknowledges understanding of the same;

NOW, THEREFORE, IT IS HEREBY:

ORDERED that the motion of Malena Dinwoodie to withdraw as attorney of record for Carolyn Tolbert-Smith is hereby **GRANTED**; and it is further

ORDERED that Carolyn Tolbert- Smith is deemed to be proceeding pro se in this action unless and until such time as substitute counsel appears on her behalf. Carolyn Tolbert- Smith shall keep the Clerk of Court's office informed as to any change in her below mailing address.

AND IT IS SO ORDERED.

February 9, 2023

s/Ashley G. Andrews
Ashley G. Andrews (SC Bar No. 76667)
LaFond Law Group, PA
544 Savannah Highway
Charleston, SC 29407
843.762.3554 (telephone)
843.377.1111 (facsimile)
Attorney for Respondents Charles Tolbert
and Estate of Charla Tolbert McMillian

LaFond Law Group, PA
Estate Planning | Elder Law | Real Estate Closings

544 Savannah Highway
Charleston, SC 29407
843.762.3554 | 888.393.5877 (f)
LaFondLaw.com | info@LaFondLaw.com

February 10, 2023

Received Feb 18th
02/17/2023 CJ

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, SC 29464

William K. Kalivas, Esq.
PO Box 40578
Charleston, SC 29423

Alwyn Taylor Silver, Esq.
PO Box 1665
Georgetown, SC 29442

Betty Jean Tolbert Jones
1311 Delaware Ave SW, Unit South 843
Washington, DC 20027

Re: *Keith L. Tolbert, Respondent vs. Carolyn Tolbert Smith, et al., of whom Carolyn Tolbert Smith is the Appellant*
Appellate Case No. 2022-001815

Dear All:

In reference to the matter listed above, enclosed for service please find a copy of my clients' Motion to Dismiss

With kind regards, I am

My timely due response herein is 03/17/2023 CJ 03/01/2023

Respectfully,

Ashley G. Andrews

Enclosure(s) as stated

cc: Charles Tolbert

Note, Please: A severely egregious act here: Appellant, Carolyn Tolbert was not noticed by Respondent until Appellant called the Court of Appeals asking questions in and about Feb. 14, 2023, at which time Appellant was told of a Motion to Dismiss Appellant's CASE. At that time Appellant had 2 days not 30 days to respond to the Appeals Court. Finally Feb. 18th Appellant received the motion. CJ

copy to the file

Final entry of Motion

1

Motion To Return To The Motion

Comes now most humbly, in my strong defence against Respondents' Motion To Dismiss, Appellant, Carolyn Tolbert-Smith, outlining, stating the facts, issues and reasons that Respondents' motion To Dismiss with prejudice (Appellant's Appeal), in Case NO 2022-001815 is premature and without merit.

Respondents' attorney states the following:

In Henning v Kaye ... the appelant's initial brief failed to comply with Rule 207 SCACR and that Designation Of Matter to be included in the Record on Appeal was insufficient under Rule 208 SCACR.

 Postmark: Mailed Feb. 21, 2023 overnight

The Supreme Court Of South Carolina found:
Counsel is advised that the South Carolina
Appellate Court Rules are not mere techni-
Calities but... It is incumbent on Counsel
to provide material that complies with the
Rules and facilitates appellate review.
Please be assured that Appellant respects
the Rules of the South Carolina Appellate Court. Be-
ing not Counsel and without Counsel appellant
Struggles to get help in finding/learning the
Rules and complying unhesitatingly. Due to
my disadvantage, being temporarily no long-
er with counsel, I initially begged and pray-
ed the Court's indulgence in the matter.

Contrary to Respondents' attorneys accusations which appellant stringently denies, Appellant filed in a timely manner my Motion For Extension Of Time, my Notice Of Appeal and my Appeal and did so based on my time of receiving notice, by U.S. Mail that arrived often later than the inside date of its existence ie the mailing shows. Mail is late necessarily when one's mail reaches the wrong mail box. It happens no fault of the client or anyone but the postman.

With regard to deficiences in the initial brief, in the, Designation of Matter, to be included in the Record on Appeal, the Supreme Court granted an appellant leave to cor-

rect the violations within a number of days (15). Appellant, Carolyn T. Smith, requests that the South Carolina Court of Appeals allow me to correct the deficiencies named above in a matter of days. The Supreme Court of South Carolina ruled as follows and appellant quotes; "Although this Court would be completely justified in dimissing this appeal based on appellant's numerous violations of the Rules, we decline to do so and deny the motion to dismiss as to the Henning's. Henning 307 S.C. 436, 437-438, 415 S.E. 2d at 704. The numerous violations in the Henning v Kaye matter are non-specifed as minor nor

major nor egregious. Neither can appellant's Rule per deficiencies be so described. In addition appellant Corrects deficiencies as required. Thus far there have been two (2).

The South Carolina Supreme Court declined to dismiss the an appellant's appeal and denied the Motion To Dismiss. I appellant Carolyn T. Smith prays and begs the South Carolina Court of Appeals, to decline in per appellant's present appeal. Decline to dismiss appellant Carolyn T. Smith's Appeal and deny the Motion to Dismiss.

Appellant's first response to Repondents' Motion To Dismiss, appellant responded blindly earlier not having received Respondents' written

Motion with its specific claims. This second response allows appellant to address the visible specifics. The written motion with visible, specific claims has the date of completion as February 9, 2023. Appellant received the same on the 17th/18th of February 2023. Appellant is still working to find counsel willing to take on the unfinished work of former counsel. Issues - @ Also unimeritorious Drastic Summary Judgment + more.

Exhibit-A
Exhibit-1
Exhibit-2
Exhibit-B
} Included herein.

Other issues include the fact that I, appellant would have the South Carolina Court of Appeals recognize the fact that appellant, referencing case law shall in the Court of Appeals show proof of having satisfied Six (6), all six elements required to be entitled to Adverse Possession.

At the Circuit court level none of said elements not one was heard.

The summary judgment matter was heard first and agreed upon as acceptable and correct.

Attorney for appellant did not argue or disagree.

Appellant lived on the subject property twent-eight years, 8 years as primary care giver, nineteen exclusively.

Certificate Of Service

The Clerk Of The Court
100 Broad Street
Chas, SC 29401

Dr. Betty Jean T. Jones
1311 Delaware Ave. S.W.
Apt. South 843
Washington, DC 20024

Attorney A. Taylor Silver
P. O. Box 1665
Georgetown, SC 29442

Attorney William Kalivas
7455 Cross ~~Country~~ Road
Ste. 1
North Chase, SC 29418

Attorney Ashley Andrews
544 Savanah Hwy.
Chas., SC 29407

Carolyn Tolber Smith
338 Fifth Avenue
Mt. Pleasant, SC 29464
1-843-216-6960
Carolyn T. Smith, Pro Se

Pro Se

This 21st Day Of
February, 2023

Off The Record 03/ /2023

Please note: Respectful Announcement by: Appellant, Carolyn Tolbert Smith on 3/10/23 engaged with an Appellate Atty. for a Conference per my present Case No. 2022-001815. It seems promising that he is willing to help me. I continue herein to beg and enlist the courts indulgence. Working Pro Se, I have had to correct two deficiencies ie Proof Of Service to be shown on special form Seven (7) not by the signed, postal, proof of service that I submitted. The other was payment (pymt.) of $300.00 for Motion For Extension. Kindly sustain maintain your kind indulgence as I move swiftly to complete the Designation Of The Matter + Record On Appeal.

The delay was, in part, due to my having had to spend time writing two responses to the, Motion To Dismiss, by writing my detailed response i.e. Motion To Return To The Motion, postmarked 02/21/2023 as required. It was the second or latter response.

I pray thee give attention to the corrections to said deficiencies.

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, SC 29464
843-216-6960

P.S. Said attorney's cost is extreme $450.00 per hour, Atty Brooks Fudenberg

Copy 5

03/20/2023

To: Members Of The S.C. Court Of Appeals
From:
Appellant, Carolyn Tolbert Smith

1. Re: Attorneys Contact, to request their Services

by taking over my Appellate Case No.: 2022-001815.

All so far Cannot accept for various reasons

1. Pro Bono - Atty. Rita Burkum - Spelling?

2. Atty. Condon's wife + Secretary I requested help

3. Atty Brad Jung who preferred the Respondents

4. Henderson and Henderson Said they do no Appellate Law

5 Atty Kukendall, Jeffrey

Le Appellant continues the search. I am to return to Attorney Condon and to Atty. Fudenberg

Respectfully
Carolyn Tolbert Smith

338 Fifth Ave
Mt. Pleasant, SC 29464

843-216-6960

SC Bar No. 76667)
PA
ay
one)
ile)
ents Charles Tolbert
Tolbert McMillian

A Re: Charles T. + Keith T.

A 01/17/'23

After attempting negotiating with heirs, said heirs refused to negotiate. Instead the heirs by Keith and Charles, estranged grandsons and nephew of mine

Aunt Kay

C their grandmother nor for their grandfather. They behave like greedy object. Charles Tolberts leave all who question his sister's death with questions yet to be answered. Where is her body and how exactly did she die? CJS

B filed a drastic claim - Quiet Title. Said strangers to Fred Helen and to other family have no vested interest in my parents home per its preservation and legacy, no power of

Affidavits

Card
of
Law By God.

2421 Terrell Street

Charleston, South Carolina,29414

September12,2022

Re: Mrs. Carolyn Tolbert Smith

338 5th Avenue

Mt. Pleasant, SC,29464

To Whom it may Concern:

I am writing this letter in support of a lifelong friend ,the above named person.

I have known Carolyn and her birth family all of my life. We grew up in the same commuhity and church and our lives have been connected in many ways throughout the years .

Her parents (Mr. and Mrs. Tolbert)and my parents knew each other well .Our families sat one pew apart at church and we bonded at church ,at school, and in many activities at church and school. I graduated from high school in the same year with one of her sisters and have remained connected to the Tolbert family thru the years.

Carolyn and I are both alumni of the same college,(under graduate) and are both active with the Alumni Chapter of that institution here in Charleston.

Carolyn had lived away from Charleston during her marriage but returned home in the 1990's to assist with the care of her aging parents. She faithfully and lovingly supported their care and lived with them there in the family home at 338 5th Avenue,Mt Pleasant,SC.,29464. Carolyn cared for both of her parents until their passing; and was the primary caregiver for both.

She cared for her parents, and assisted with the care of her children/grandchilren while maintaining her professional duties as a languages teacher in the Charleston County School District.

I can personally attest to her character, devotion to her family, profession, church and community.She is a responsible, intelligent, educated, and caring individual.

I am a retired Licensed Social Worker,(LMSW), and worked at the Medical University of South Carolina for more than twenty(20)years.

I welcome the opportunity to support Mrs.Carolyn Tolbert Smith in her present legal circumstance(s) regarding family property.

Yours truly,

Aundria Gantt Douglas

Aundria Gantt Douglas

SWORN BEFORE ME ON 9/12/2022

NOTARY PUBLIC

7666 Ovaldale Drive
North Charleston, SC 29418
Telephone 843-552-4318
September 17, 2022

TO WHOM IT MAY CONCERN:

I Alphonso L. Sumter have been the church deacon for Mrs. Carolyn Tolbert Smith since she arrived at 338 Fifth Avenue, Mt. Pleasant, SC 29464. She returned from Miami Florida in 1995 to support and care for her aging parents, the late Mr. Fred and Mrs. Helen G. Tolbert. I witnessed her wonderful and loving care she provided for her parents while living at the above residence until their transitioning in September 2000 and December 2003 respectively.

I know of no others living on the property at 338 Fifth Avenue, Mt. Pleasant, SC except Mrs. Carolyn T. Smith and her family. I believe that she can prove that she paid all taxes on the property from receipts of property tax records.

Sincerely,

Alphonso L. Sumter

Alphonso L. Sumter, Ward Deacon
Morris Street Baptist Church

I Khala Sheppard notary of South Carolina, Dorchester County have witnessed the above signature on 9/17/2022
My commission expires May 25, 2032
Khala Sheppard

KHALA Y. SHEPPARD
NOTARY PUBLIC
STATE of SOUTH CAROLINA
My Commission Expires May 25, 2032

China Smith

Miramar, FL

September 17th, 2022

To whom it may concern:

My name is China Lynn Smith, the granddaughter of Carolyn Tolbert Smith. During my great grandparent's life, Carolyn, her children and even myself and siblings were the ones caring for them and their property. No one else in my extended family was of help with either one. Starting at an early age traveling to South Carolina, I've witnessed Carolyn work a full-time job as a teacher and come home to care for her parents. Also, Torrance Smith attended school while helping with my great grandparents. All of Carolyn's children, Warren Smith, Torrance Smith, Lyndon Smith, and Ave Marie Smith have contributed in some way to helping with my great grandparents and their property. This home is the only home I've known while traveling to and from South Carolina. All the summers and holidays myself and my siblings have spent there, creating memories have been in this home. My grandmother has worked extremely hard and has put so much time and money into this home in order to keep it in our family for years to come.

China Smith

China Smith

NOTARY PUBLIC
CARLOS E. GUADIANOS
Notary Public, State of Florida
Commission# GG 304693
My comm. expires Feb. 21, 2023

Ms. Dell Alston

331 Fifth Avenue

Mt. Pleasant, SC 29464

843-327-0339

19 Sep 2022

To whom it may concern:

I, Ms. Dell Alston attest to the fact that Mrs. Carolyn Tolbert-Smith has lived at 338 Fifth Ave during the years of 1995 to present, 2022. The time that she naturally took full possession began at the death of her mother in 2003. In 2022, or months earlier, her stay will have been 20 years. She kept, paid all taxes, and maintained the home in these twenty years.

If I can be of further assistance, please free to contact me at the above address.

Respectively Submitted,

Ms Dell A

Ms. Dell Alston

9/19/22

My Commission expires 11/12/31

COURTNEY NAPIER
NOTARY PUBLIC
MY COMMISSION EXPIRES 11/12/2031
SOUTH CAROLINA

Missing = Alberta Lab
Affidavits – Friends + Neighbors

SUPPLEMENTAL RESPONSE:

Please see Affidavits produced, Bates stamped "Carolyn Tolbert-Smith_362-366." As a result of Defendant's personal sacrifices to care for her parents from 1995-2003, placement in a long-term care facility was not required, which in turn allowed the subject property of this action to be preserved and avoid any necessary sale to pay for medical assistance. or Assisted living cost, also joy of living in their own family, Priceless!

17. Any and all records for any repairs or remedial work performed by you or at your request on the Property.

SUPPLEMENTAL RESPONSE:

Please see ARS Invoice for HVAC replacement being produced, Bates stamped "Carolyn Tolbert-Smith_367." Defendant recognizes a duty to supplement this response if more information is recovered.

Respectfully submitted,

FINKEL LAW FIRM LLC

Malena A. Dinwoodie (S.C. Bar No. 103978)
4000 Faber Place Drive, Suite 450
North Charleston, South Carolina 29405
(843) 577-5460
mdinwoodie@finkellaw.com
Attorneys for Defendant Carolyn Tolbert-Smith

Date: November 2, 2022

Affidavits

Letters per
the subject case No.:

2022 001815
Correspondences (W)
Counsel, Atty. Din-

Woodie
— Also —

Correspondence (W)

Judge Scarborough

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, S.C 29464
11/30/2022

Attorney Melena Dunwoodie
4000 Faber Place Drive
Ste. 450
North Chas., SC 29405

Dear Attorney Dunwoodie:

I, Carolyn T. Smith respectfully request that you address, on my behalf the following:

1. I am told by Mr. Stripe(s) that no subpoena has been served on Mr. Henry A. Palmer. I have, though, given you his address. He is the best source and easier way to obtain proof of the six thousand dollar roof added to our dwelling at the address written above.
2. I am also told that State Farm was served a subpoena to produce the ins. proof that I submitted to you. Please address nos 1+2.
3. Last week, in and about Nov. 25th, 2022, a letter from the Court House, 100 Bread St., confirmation per the entry of judgment regarding the summary judgment based on the Hearing held 09/21/2022.

4. I must appeal said judgment in as much as

all material Facts never Surfaced but must be presented at the appeal level. I See this step as the only way to prevail for my Children and me in this matter. We have no need to be burdened with the huge, gigantic debt that we face when we'd be or when we are made to buy out the interest of four (4) heirs. Plaintiffs' appraisers are paid to inflate the value of property that the Defendant at age 85 yrs. is already burdened financially with recent need for repairs. We have already, my children especially, suffered priceless loss(es) by lovingly, Compassionately, devotedly uprooting ourselves from our familiar easy lifestyles. We have done the right thing by mother and daddy. Said sacrifices however, the real "SWEAT, BLOOD And TEARS" are ceaselessly ignored. This cannot be. There is No SWEAT in paying monetarily for anything. We paid with our hearts, muscles, tears, blood... in other words with ourselves fully. "Whatsoever thing is true, honest, noble, true, lovely, of good report, think on these things." The Tri-Une-God said, through His ordained writer, "Be ye doers of the Word." I have the valid and Solemn need to preserve mother and daddy property, not to dwelling place bought with a loving mammoth price. I mothers will she made not the slightest indication that she was agreeing to the sale of her property and daddy's. Fact is that we could have agree to add to the present dwelling, rent the space and provide joint income forever which I

Yours truly

Carolyn Tolbert Smith
338 Fifth Ave.
Mt. Pleasant, SC 29464
12/11/2022

Attorney Malena A. Dinwoodie
4000 Faber Place Dr. #450
North Chas, SC 29405-8556

Dear Attorney Dinwoodie:

Because you are unwilling to appeal the Summary Judgment stemming from the Court Hearing of September 21, 2022, citing your belief that I cannot win or succeed in the matter cited above, I must make the move to an appeal Pro Se. Further I must inform you and the Chas. County Court(s) that I, am now relieving you of representing me as my Attorney in CASE NO.: 2021CP10 04058. as of December first and thereafter. Thank you for services that I believe to be insuffient at this point. To continue on the/any Alternative Course is hugely without guaranty of my prevailing as I look forward to doing hereafter.

03/18/2023

Note: Knowi(ng) before the Circuit court hearing my desire to appeal, if we did not prevail no action [illegible] but Appellate relied heavily on my counsel to [illegible]

Yours truly,
Carolyn Tolbert Smith
Carolyn Tolbert Smith

Carolyn Tolbert Smith
338 Fifth Ave.
Mt. Pleasant, SC 29464
12/11/2022

Attorney Malena A. Dinwoodie
4000 Faber Place Dr. # 450
North Chas., SC 29405-8556

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03/18/2023

Note: Knowi(ng) before the Circuit court hearing my desire to appeal, if we did not prevail no action came about. Appellate relied heavily on my counsel to confer [illegible] I did. I would have acted earlie

yours truly
Carolyn Tolbert Smith

A

Carolyn J. T. Smith
338 Fifth Ave,
Mt Pleasant, SC 29464
12/1/21/2021

Attorney Melina Din Woodie
4000 Faber Place Dr. Ste 450
N. Charleston, SC 29405

Dear Attorney Din Woodie:

I Defendant, Carolyn J. Tolbert Smith, received your recent phone message per an additional conversation re: questions in reference to the argument I desire that you, my Counsel, focus on and why.

Below I repeat said argument with supporting statements as to why said argument, Claim 2021 CP 10 4058 is invalid because it clearly violates the Last Will and Testament of my mother, Mrs. Helen A. Grant Tolbert. The intent in said "Will" obviously is to, "Share And Share Alike" any property being hers at any time not be up for "Partition". Hence there is no mention of Partition not any hint of, "Partition." Said Testator, Mrs. H. G. Tolbert requests only that we, "Share And Share Alike," any existing property left to heirs be shared in any of several other ways among heirs. The most equitable means with a focus on "Share And Share Alike." I now consider

B'Addition: Per Contributions and, "Share And Share
* Alike" this goes to Bible, "you reap what you sow";
Stocks and Bk accts. Get out only what you put in.
Undeles an Fiduciary Relation. cfs.

1 Cont Would first be which heir has primary
Vested interest in said property, + pare
the dwelling place and adjacent lot
i.e. #326 and #327 located in Remley's
Point, Christ Church, Scanlonville,
Mt. Pleasant, S.C. 29464. Eg All Contribu-
tions toward Keeping and main-
taining said property, including but no
limited to payment of all taxes; total care and
welfare of Mrs. H.B. Tolbert and Fred
W. Tolbert on every level i.e. - Spiritual physic
physiological i.e. medical, hospilization, So
cial, emotional, travel psychological (trea
resort), entertainment, (restaurant visits) + mo
1 who were the only day to day Contributors.
I, Carolyn J. Tolbert Smith and family. I
addition, I lived here on the properties, or
tract of land continuously from 1995 - to pre
sent and cared for my parents (our parents a
grand parents 1995 til death 12/25/2003.
My Sister, Plaintiff, Atty Sara J. Tolbert
Latten called me just after 12/25/2003, to say
that mother told Sara that my family and I co
remain on said tract of land as long as we want
So here we are, To mitigate the change of
heart and mind, I offered to buy out Sara
Sara refused, saying Sell. At the Appeal(s) level. She lo
Another issue and extreme concern is the death
of Charla Tolbert per a death cert, Autopsy and is deni
1 by Charles Tolbert, why? We need Charlas Last Will
and Testament. She was married at some point
reportedly was found dead, So no

*Tel. 1-843-216-6960 Carolyn Tolbert Smith
C 1-786-325-2704 338 Fifth Ave
Mt. Pleasant, SC 29464
04/16/2022

Attorney Melena Dinwoodie
4000 Faber Place Drive
Ste. 550
North Chas., SC 29405

To: The Court of Appeals for SC:
Please read this letter, and the one next here
re 04/16/22 and 11/30

Dear Atty. Dinwoodie:

I trust that you and yours are well and are experiencing a beautiful and healthy Passover, Easter season. Let me thank you for your work on my behalf, in the Matter of the distribution settlement among all Concerned. I appreciate your expertise so desperately necessary to prevail in the dispute. I have a request of you. In our fiduciary relation, my accute need is to have you share with me, by U.S. (reg') mail or I could receive a packet that you leave at the front desk, containing responses and all input by Dr Betty J. T. Jones, Keith L. Tolbert and Chares Leon Mc Millian AKA Charles Tolbert. My part in this battle against the foe is to remain priv of their weaponry and to counter with more massive weaponry and eye or four eyes on prevailing. Presently I'm in the dark and must be enlightened. After reading their input, responses and refuting as need be, I'd be prepared to discuss the matter with you. 4/16

I anxiously await your response.

Respectfully,
Carolyn

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, S.C 29464
11/30/2022

Attorney Melena Dunwoodie
4000 Faber Place Drive
Ste. 450
North Chas., SC 29405

Dear Attorney Dunwoodie:

I, Carolyn T. Smith respectfully request that you address, on my behalf, the following:

1. I am told by Mr. Stripe(s) that no subpoena has been served on Mr. Henry A. Palmer. I have, though, given you his address. He is the best source and easier way to obtain proof of the six thousand dollar roof added to our dwelling at the address written above.
2. I am also told that State Farm was served a subpoena to produce the ins. proof that I submitted to you. Please address nos 1+2.
3. Last week, in and about Nov. 25th, 2022, a letter from the Court House, 100 Bread St., confirmation per the entry of judgment regarding the summary judgment based on the Hearing held 09/21/2022.

4. I must appeal said judgment in as much as

all material Facts never Surfaced but must be presented at the appeal level. I See this step as the only way to prevail for my Children and me in this matter. We have no need to be burdened with the huge, gigantic debt that we face when we'd be or when we are made to buy out the interest of four 4) heirs. Plaintiffs' appraisers are paid to inflate the value of property that the Defendant at age 85yrs. is already burdened financially with recent need for repairs. We have already, my children especially, suffered priceless loss(es) by lovingly, Compassionately, devotedly uprooting ourselves from our familiar easy lifestyles. We have done the right thing by mother and daddy. Said sacrifices however, the real "SWEAT, BLOOD And TEARS" are ceaselessly ignored. This cannot be. There is No SWEAT in paying monetarily for anything. We paid with our hearts, muscles, tears, blood... in other words with ourselves fully. "What so ever thing is true, honest, noble, true, lovely, of good report, think on these things." The Tri-One-God said, through His ordained writer, "Be ye doers of the word." I have the valid and Solemn need to preserve mother and daddy property, lot + dwelling place bought with a loving mammoth price. Mothers Will she made not the slightest indication that she was agreeing to the sale of her property and daddy's. Fact is that we could have agreed add to the present dwelling, rent the space provide joint income forever which I suggested about Apr. 2000. Sara Jo said No!

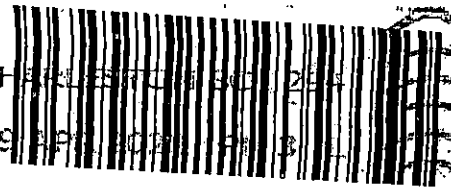
Yours truly

Family of The Late Corporal W.L. Smith
338 Fifth Ave.
Mt. Pleasant, SC 29464

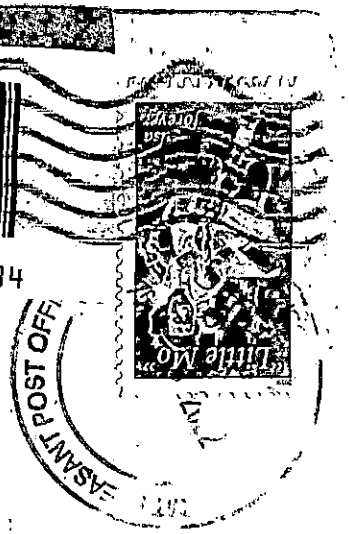
29405

U.S. POSTAGE PAID
FCM LETTER
MOUNT PLEASANT, SC
29464
APR 13, 22
AMOUNT
$3.75
R2305K140928-65

CERTIFIED MAIL



7021 2720 0002 1372 1634



Atty. Melena Dinwoodie
4000 Faber Place Drive
Ste 450
North Charleston, SC 29405

Appraisal

Charlie Salmonsen

INVOICE

FROM:
Salmonsen Appraisals, Inc
Salmonsen Appraisals, Inc
864 Lowcountry Blvd Ste B
Mt Pleasant, SC 29464-3069

Appraiser
M. Salmonsen

Telephone Number: (843) 388-6613 Fax Number: (843) 388-6246

INVOICE NUMBER	
22090216	
DATES	
Invoice Date:	09/09/2022
Due Date:	On Receipt
REFERENCE	
Internal Order #:	22090216
Lender Case #:	SMITH
Client File #:	
FHA/VA Case #:	
Main File # on form:	22090216
Other File # on form:	SMITH
Federal Tax ID:	20-2131899
Employer ID:	

TO:
Individual

E-Mail:
Telephone Number: 843-216-6960 Fax Number:
Alternate Number:

Carolyn Tolbert-Smith_368

DESCRIPTION

Lender: Individual Client: Individual
Purchaser/Borrower: Smith, Carolyn Tolbert & Jones, Betty Jean Tolbert
Property Address: 338 5th Ave
City: Mount Pleasant
County: Charleston State: SC Zip: 29464
Legal Description: Lt 326, Scanlonville

FEES	AMOUNT
PLEASE MAKE PAYABLE TO CHARLES SALMONSEN	400.00
PLEASE MAKE PAYABLE TO CHARLES SALMONSEN	
PLEASE MAKE PAYABLE TO CHARLES SALMONSEN	
PLEASE MAKE PAYABLE TO CHARLES SALMONSEN	
SUBTOTAL	400.00

PAYMENTS			AMOUNT
Check #:	Date:	Description:	
Check #:	Date:	Description:	
Check #:	Date:	Description:	
		SUBTOTAL	0.00
		TOTAL DUE	$ 400.00

use copy esp

Carolyn Tolbert-Smith 369

APPRAISAL OF REAL PROPERTY

LOCATED AT
338 5th Ave
Mount Pleasant, SC 29464
Lt 326, Scanlonville

FOR
Individual

OPINION OF VALUE
369,000

AS OF
09/08/2022

BY
Charles E Salmonsen
Salmonsen Appraisals Inc.
864 Lowcountry Blvd, Suite B
Mt Pleasant, SC 29464
(843) 388-6613
appraisals@salmonsen.com
20-2131899

Salmonsen Appraisals Inc.
864 Lowcountry Blvd, Suite B
Mt Pleasant, SC 29464
(843) 388-6613
20-2131899

09/09/2022

Individual

Re: Property: 338 5th Ave
Mount Pleasant, SC 29464
Borrower: Smith, Carolyn Tobert & Jones, Betty Jean Tolbert
File No.: 22090216

Opinion of Value: $ 369,000
Effective Date: 09/08/2022

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,

Charles E Salmonsen
License or Certification #: 428
State: SC Expires: 06/30/2024
appraisals@salmonsen.com

Borrower	Smith, Carolyn Tolbert & Jones, Betty Jean Tolbert			File No.	22090216
Property Address	338 5th Ave				
City	Mount Pleasant	County	Charleston	State SC	Zip Code 29464
Lender/Client	Individual				

Carolyn Tolbert-Smith 371

APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

☒ Appraisal Report (A written report prepared under Standards Rule 2-2(a), pursuant to the Scope of Work, as disclosed elsewhere in this report.)

☐ Restricted Appraisal Report (A written report prepared under Standards Rule 2-2(b), pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use by the specified client or intended user.)

Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

— The statements of fact contained in this report are true and correct.

— The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

— Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.

— Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

— I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.

— My engagement in this assignment was not contingent upon developing or reporting predetermined results.

— My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

— My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.

— Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.

— Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

Comments on Appraisal and Report Identification

Note any USPAP related issues requiring disclosure and any State mandated requirements:

APPRAISER:

Signature: Charles Salmonsen

Name: Charles E Salmonsen

State Certification #: 428

or State License #:

State: SC Expiration Date of Certification or License: 06/30/2024

Date of Signature and Report: 09/09/2022

Effective Date of Appraisal: 09/08/2022

Inspection of Subject: ☐ None ☒ Interior and Exterior ☐ Exterior-Only

Date of Inspection (if applicable): 09/08/2022

SUPERVISORY or CO-APPRAISER (if applicable):

Signature:

Name:

State Certification #:

or State License #:

State: Expiration Date of Certification or License:

Date of Signature:

Inspection of Subject: ☐ None ☐ Interior and Exterior ☐ Exterior-Only

Date of Inspection (if applicable):

Regular Care
Yard
Improvements
Up Keep

ARS OF CHARLESTON
2548 Oscar Johnson Dr
North Charleston, SC 29405
(843)747-2714

Making it work. Making it right.

HVAC AOR - CHAS Contract
License:License # M2842

OFFERING AIR CONDITIONING HEATING PLUMBING DRAIN CLEANING

Billing Address
CAROLYN SMITH
338 5TH AVE
MT/ PLEASANT,SouthCarolina 29464

Service Location
CAROLYN SMITH
338 5TH AVE
MT/ PLEASANT,South Carolina 29464

Invoice

Invoice	777248	**Date**	1/16/2014
Reference Number		**Technician**	Historical Labor Resource

Diagnosis/Recommendations Notes Section

Repair/Installation Performed

Task / Description	Service Warranty	Book Price	Discount	Your Price
Historical FEE		5000.00	0.00	5000.00

Completion Notes

J. Rice

SubTotal	5000.00
Total Savings	0.00
Total	5000.00
Total Paid	0.00
Payment Method	
Amount Due	5000.00

Customer Declined

Task / Description	Book Price	Discount	Your Price

Signatures

Additionally
(a) yard buildup 3,000.00
(b) Exterior paint 3,500.00
(c) A roof — 6,000.00
(d) Installed decorative Shelves
(e) Repaired Sliding glass doors inoperable @ 300.00 plus
f Earlier tree trimming @ 250.00 and 400.00
g Reg.' ground Care

Chain like fence
Installed an outdoor shed
Ground outdoor lights

Exceptional Service Provider

© 2016 American Residential Services LLC. All rights reserved. Last revision 01/01/2016

Carolyn Tolbert-Smith 367

- TO: My Atty,

Copy 1 Orig

ARS OF CHARLESTON
2548 Oscar Johnson Dr
North Charleston, SC 29405
(843)747-2714

PLUMBING - CHAS Contract
License:License # M2842

OFFERING AIR CONDITIONING HEATING PLUMBING DRAIN CLEANING

Billing Address
CAROLYN SMITH
338 5TH AVE
MT/ PLEASANT,SouthCarolina 29464

Service Location
CAROLYN SMITH
338 5TH AVE
MT/ PLEASANT,South Carolina 29464

Invoice

Invoice	6900093	**Date**	11/19/2021
Reference Number		**Technician**	Jamell Frasier

Diagnosis/Recommendations Notes Section

Saddle valve install

Repair/Installation Performed

Task / Description	Service Warranty	Book Price	Discount	Your Price
Option 1				
PSTOUR8577NBS	365	168.00	58.00	110.00
Replace toilet shut off includes supply line				

Completion Notes

Installed saddle valve on icemaker line so customer can replace refrigerator. Thanks for choosing ARS Mell.

SubTotal	168.00
Total Savings	-58.00
Total	110.00
Total Paid	110.00
Payment Method	Check-6864
Amount Due	0.00

Customer Declined

Task / Description	Book Price	Discount	Your Price

Exceptional Service Provide

TR
my Atty

Copy 1, once plea

ARS OF CHARLESTON
2548 Oscar Johnson Dr
North Charleston, SC 29405
(843)747-2714

Making it work. Making it right.

PLUMBING - CHAS Contract
License:License # M2842

OFFERING AIR CONDITIONING · HEATING · PLUMBING · DRAIN CLEANING

Billing Address
CAROLYN SMITH
338 5TH AVE
MT/ PLEASANT,SouthCarolina 29464

Service Location
CAROLYN SMITH
338 5TH AVE
MT/ PLEASANT,South Carolina 29464

Invoice

Invoice	6890677	**Date**	11/9/2021
Reference Number		**Technician**	Mark Henning

Diagnosis/Recommendations Notes Section

Wanted to disconnect fridge line but can't find meter to turn water off

Repair/Installation Performed

Task / Description	Service Warranty	Book Price	Discount	Your Price
Option 1				
HSGENR5119NPR Residential repair fee outside scope of price book (AOR)	365	Price as Quoted	0.00	79.00

Completion Notes

SubTotal	79.00
Total Savings	0.00
Total	79.00
Total Paid	79.00
Payment Method	Check-6787
Amount Due	0.00

Customer Declined

Task / Description	Book Price	Discount	Your Price

Exceptional Service Provider

6954

☑ Track your expenses...
☐ Clothing ☑ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

☐ TAX-DEDUCTIBLE ITEM

01/27/2022

Quality of Chaos
One-hundred sixty-five

BALANCE FORWARD
THIS ITEM 165.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

Copy 1, one please

security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

7108

☐ TAX-DEDUCTIBLE ITEM

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

BALANCE FORWARD
THIS ITEM 250.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

☐ TAX-DEDUCTIBLE ITEM

1910

03/02/2012

The Clerk of Court(s)
One-hundred three

BALANCE FORWARD
THIS ITEM 103.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

To God with Love
By Carolyn T. Smith

d security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

☐ TAX-DEDUCTIBLE ITEM

1890

02/09/2012

The Clerk of Court
Twenty-five

BALANCE FORWARD
THIS ITEM 25.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

NOT NEGOTIABLE

added security, your name and account number do not appear on this copy.

1829

☐ TAX-DEDUCTIBLE ITEM

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

BALANCE FORWARD
THIS ITEM
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☑ Other:

☐ TAX-DEDUCTIBLE ITEM

1823

12/02/2011

Attorney Sarah T. Latta
One-hundred

BALANCE FORWARD
THIS ITEM 100.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☑ Utilities ☑ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

☐ TAX-DEDUCTIBLE ITEM

Carolyn T. Smith

James North 843 530 8867 113636

Statement

DATE 6-17-22 TERMS

TO Tolbert

IN ACCOUNT WITH

Faucet 2022 Installation

Remove Existing Kit fct and Replace with new

To Mr. J. North $75.00

See check stub.

Faucet Cost (w) receipt Reimbursement

CURRENT | OVER 30 DAYS | OVER 60 DAYS | TOTAL AMOUNT

Find CK # 7011

TAX-DEDUCTIBLE ITEM 7010

Track your expenses...
Clothing, Credit Card, Entertainment, Food, Utilities, Insurance, Transportation, Mortgage, Other:

02/26/2022

BALANCE FORWARD
THIS ITEM 600.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

Free (Mr) Bob Smith
Stop Burnbridge Rd

See CK #7011 to Crooked Bob Smith Tree cutter. Broke

NOT NEGO

Mr. Jimmy North
One hundred fifty
Plumber Mr North J.

THIS ITEM 150.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

☐ TAX-DEDUCTIBLE ITEM

06/17/2022

7169

Mr. James North
Seventy-five

THIS ITEM 75.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

r added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

☐ TAX-DEDUCTIBLE ITEM

6957

01/31/2022

C & A Locksmith
One hundred thirty four

THIS ITEM 134.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

r added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☑ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

☐ TAX-DEDUCTIBLE ITEM

6965

03/ /2022

Lane
Two hundred seventy one and
Toilet

THIS ITEM 271.41
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

☑ TAX-DEDUCTIBLE ITEM

04/ /2022

Capital One Auto Finance

BALANCE FORWARD 414
THIS ITEM
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

Copy 4 please

7078

☐ TAX-DEDUCTIBLE ITEM

05/01/2022

Capital One Auto Finance

BALANCE FORWARD 414.62
THIS ITEM
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☑ Mortgage
☐ Entertainment ☐ Insurance ☐ Other:

ITEM # 0865917, 0865918, 2560575

2-HANDLE KITCHEN FAUCET

MODELS 21-K822-PS-PSD, 21-K822-PS-SSD, 21-K822-PS-ORBD

Español p. 10

Lowes

cost?

Express Ca

STAPLES

copy&printcenter

64.98

2 Microves
Table lamps
Desk Computer
Clothes racks
outdoor shedo
Vacuum cleaners
venetion blinds
Large Screen T.V. sets
foldingChairs
Tool Set

07/14/2022

Quenimary
*limited to includes

2 Microves
Table lamps
Desk Computer
Clothes racks
outdoor shedo
Vacuum cleaners
venetion blinds
Large Screen T.V. sets
foldingChairs
Tool Set

07/14/2022

Copy this only

Home Depot Re: Installation Cost

Customer Receipt

9/18/2021, 8:02 PM EDT

Store # 1171

Sales Person PGR53G

Store Phone # (843) 972-6800

Location 2213 NORTH HIGHWAY 17, MOUNT PLEASANT, SC 29466

Call 843-972-6800?

Customer Information

AVE SMITH
(843) 216-6960
AVE_12000@YAHOO.COM

338 5TH AVE
MOUNT PLEASANT, SC 29464

Order # H1171-63141

Receipt # 1171 00097 05963

PO / Job Name LG Fridge

H117163

09/19/2021

Delivery

Delivery Address
338 5th Ave
Mt Pleasant , SC 29464

Delivery Options
Home Delivery

Delivery Date
Saturday, October 2

	Item Description	Model #	SKU #	Unit Price	Qty	Subtotal
01	LG Electronics 27 cu. ft. Side by Side Refrigerator with External Ice and Water Dispenser in Platinum Silver	LRSXS2706V	1006514045	$1,298.00 / each	1	$1,298.00
			853290	$25.00 / each	1	$25.00
	M907-MOVE OLD APPL TO ANOTHER ROOM		1001854188	$17.28 / each	1	$17.28
	M932-12' UPGRADED BRAIDED WATER LINE					
02	Home Delivery		1004196234	$0.00 / each	1	$0.00

Track your Appliance Home Delivery — Text "TRACK" to 97710 for instructions — *Msg & data rates may apply.*

RETURN POLICY ON MAJOR APPLIANCES. Before a customer accepts delivery, major appliance products (including refrigerators, washers, dryers, ranges, dishwashers, and some microwaves) should be inspected for defects or damage, and if any exists, customer should refuse delivery. Once delivery is accepted by a customer, product may be returned if defects and/or damage is identified and reported to The Home Depot within 48 hours of delivery day by calling(800) 455-3869. Please see the return policy sign in the store for details.

Payment Method

Improvement

Visa 9980 — Charged $1,456.77

Subtotal	$1,340.28
Discounts	-$1.73
Sales Tax	$118.22
Order Total	$1,456.77

Take a short survey for a chance TO WIN A $5,000 Home Depot Gift Card. Entries must be completed within 14 days of purchase. Entrants must be 18 or older to enter. No Purchase necessary. See complete rules on www.homedepot.com/survey

User ID: GVM3 13386 12312 **Password:** 21468 12215

Add the installation Fee - Forth Coming

Service customer 877 961-6683

Ana @ ARS mailing today invoice(s) per installation

Nicole will mail invoice(s) per Air Condition unit

09/07/21

Improvement

Below find the... 03/ /2022 Toilet

... Plumbing Contract between Mr. North and Carolyn J. Tolbert Smith. On the above date Mr. J North installed in the powder room at 338 Fifth Ave., Remley Point, Mt Pleasant, SC one toilet. Carolyn J. T. Smith paid by Bank of America check One-hundred fifty dollars to Mr. James North. Please See the signature of Mr. North below

Quality Chas. Plumbing

Which?

or

pd CK #6966 $165.00

Business Plumbing

Call

Tel. no. 43

07/15/2022

This Assistant Living Savings because Carolyn and family showed loving care, concern and compassionate sacrifice

THE PALMS OF MT. PLEASANT

Cost for Fred and Helen Hubbert

TAR

VING

2022 Improvement

toaster

tea

Electric Kettle

Saw / Machete

LOWE'S

LOWE'S HOME CENTERS, LLC
1104 MARKET CENTER BLVD.
MOUNT PLEASANT, SC 29464 (843) 881-5757

— SALE —

SALE#: ESTLANE1 13 TRANS#: 68011523 09-18-21

1478678 [illegible] 18-IN MACHETE SAW 17.98

SUBTOTAL: 17.98
TAX: 1.62
INVOICE 43064 TOTAL: 19.60
VISA: 19.60

VISA: XXXXXXXXXXXX5479 AMOUNT:19.60 AUTHCD: 918123
CHIP REFID:053943052131 09/18/21 20:31:45
APL: VISA CREDIT TVR: 8080008000
AID: A0000000031010 TSI: 6800
STORE: 539 TERMINAL: 43 09/18/21 20:32:03
OF ITEMS PURCHASED: 1
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS

THANK YOU FOR SHOPPING LOWE'S.
FOR DETAILS ON OUR RETURN POLICY, VISIT
LOWES.COM/RETURNS
A WRITTEN COPY OF THE RETURN POLICY IS AVAILABLE
AT OUR CUSTOMER SERVICE DESK

STORE MANAGER: THOM MOCERI

LOWE'S PRICE PROMISE
FOR MORE DETAILS, VISIT LOWES.COM/PRICEPROMISE

SHARE YOUR FEEDBACK!
ENTER FOR A CHANCE TO BE
ONE OF FIVE $500 WINNERS DRAWN MONTHLY!
ENTRE EN EL SORTEO MENSUAL
PARA SER UNO DE LOS CINCO GANADORES DE $500!

ENTER BY COMPLETING A SHORT SURVEY
WITHIN ONE WEEK AT: www.lowes.com/survey
YOUR ID #430646 053922 616519

2022? For what? When?

Shelves

Medicine

LOWE'S

LOWE'S HOME CENTERS, LLC
1104 MARKET CENTER BLVD.
MOUNT PLEASANT, SC 29464 (843) 881-5757

— SALE —

SALE#: S0539MC3 2233191 TRANS#: 64968539 05-07-22

71034 5-TIER CHROME WIRE SHELVI 98.10

SUBTOTAL: 98.10
TAX: 8.83
INVOICE 66186 TOTAL: 106.93
VISA: 106.93

Charge?

VISA: XXXXXXXXXXXX9980 AMOUNT:106.93 AUTHCD: 007903
CHIP REFID:053966140478 05/07/22 20:08:26
APL: VISA CREDIT TVR: 8080008000
AID: A0000000031010 TSI: 6800
STORE: 539 TERMINAL: 66 05/07/22 20:08:59
OF ITEMS PURCHASED: 1
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS

THANK YOU FOR SHOPPING LOWE'S.
FOR DETAILS ON OUR RETURN POLICY, VISIT
LOWES.COM/RETURNS
A WRITTEN COPY OF THE RETURN POLICY IS AVAILABLE
AT OUR CUSTOMER SERVICE DESK

STORE MANAGER: THOM MOCERI

LOWE'S PRICE PROMISE
FOR MORE DETAILS VISIT LOWES.COM/PRICEPROMISE

SHARE YOUR FEEDBACK!
ENTER FOR A CHANCE TO BE
ONE OF FIVE $500 WINNERS DRAWN MONTHLY!
ENTRE EN EL SORTEO MENSUAL

or more 2 or 1 bedroom

Way the W. L. Smiths by delivering the desired care for our parents saved the property disputed to her new Claude by some who contributed and now want a reward deserving cost as an inheritance

115
237

Home Improvement

ITEM # 0865917, 0865918, 2560575

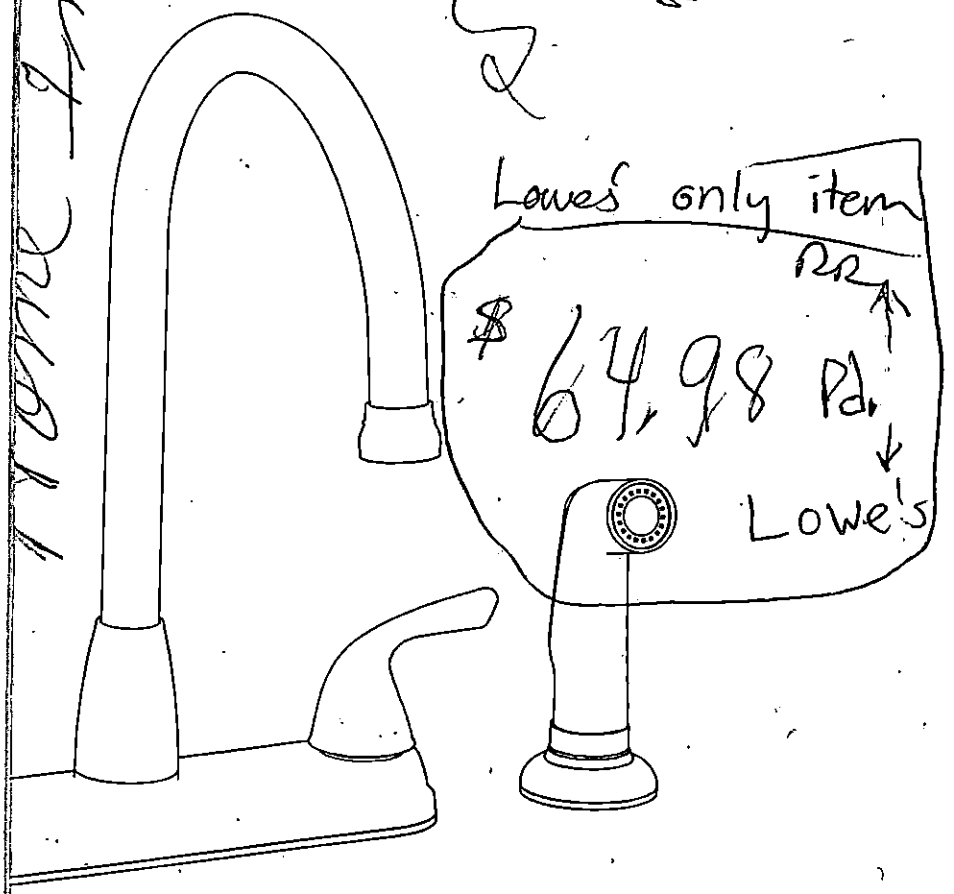
2-HANDLE KITCHEN FAUCET

21-K822-PS-PSD

MODELS 21-K822-PS-PSD, 21-K822-PS-SSD, 21-K822-PS-ORBD

Español p. 10

Lowe's Costs



NSF/ANSI 61 UPC LEAD FREE ADA COMPLIANT

Purchase Date _____

ing parts? Before returning to the store, call our customer service 27, 8 a.m. - 8 p.m., EST, Monday - Sunday. You could also contact or visit www.lowespartsplus.com.

02/25/2021

Bob Smith failed to accomplish what he agreed to

02/26/2022

Copy on 1st

This day I, Carolyn Tolbert paid ~~to~~ Mr. Bob Smith Tree Service, Super Affordable Tree Service $600.00 for a partially performed service at 338 Fifth Avenue, Mt Pleasant, SC 29464. Promises per this contracted job were not met. The contracted cost was $800.00. I, Carolyn Tolbert Smith now owe Mr. Bob Smith no more than $200.00. He has charged more

Note: Mr. Bob Smith Received $600.00

First signature off the pg.

Start time 12:1

Signed: Bob Smith

$800.

MRS. H. G. TOLBERT 01-05 1671
CAROLYN J. SMITH
843-216-6960
338 5TH AVE
MOUNT PLEASANT, SC 29464-2708
Date
67-148/539 SC 2919
Pay to the Order of $
Dollars
Bank of America
Bank of America Advantage®

STATE OF SOUTH CAROLINA)
) DURABLE POWER OF ATTORNEY
COUNTY OF CHARLESTON)

KNOW ALL MEN BY THESE PRESENTS, that I, HELEN GRANT TOLBERT, of Mount Pleasant, South Carolina, have constituted, made and appointed and by these presents do constitute, make and appoint CAROLYN T. SMITH, my true and lawful attorney for me and in my name and stead, giving and granting unto CAROLYN T. SMITH, my said attorney, for these presents full and whole power, strength and authority, in and about the premises, to be my true and lawful attorney in fact, for me and in my name, place and stead, and on my behalf, and for my use and benefit, as follows:

(a) To enter upon and take possession of any lands, tenements and hereditaments that may belong to me, or to the possession of which I may be entitled;

(b) To ask, collect and receive any rents, profits, issues or income of any and all of such lands, tenements and hereditaments, or of any part or parts thereof;

(c) To pay any and all taxes, charges and assessments that may be levied, assessed or imposed upon any of my lands, buildings, tenements or other structures;

(d) To make, execute and deliver and deed, mortgage or lease, whether with or without covenants and warranties, in respect of any such lands, tenements and hereditaments, or of any part or parts thereof, and to manage any of such lands, and to manage, repairs, rebuild or reconstruct any buildings, houses or other structures, or any part or parts thereof, that may now or hereafter be erected upon any such lands;

(e) To extend, renew, replace or increase any mortgage or mortgages now or hereafter affecting any of my lands, tenements and hereditaments and/or any personal property belonging to me, and, for any of such purposes, to sign, seal, acknowledge and deliver any bond or bonds, or to make, sign and deliver any note or notes, and any extension, renewal, consolidation or apportionment, agreement or agreements, or any other instrument, whether sealed or unsealed, that may be useful or necessary to accomplish any of the foregoing purposes;

(f) To obtain insurance of any kind, nature or description whatsoever, on any of my lands, tenements and hereditaments and/or in connection with the management, use or operation thereof and/or on any personal property belonging to me and/or in respect of the rents, issues and profits arising therefrom, and to make, execute and file proof or proofs of all loss or losses sustained or

H.G.T.

COUNTY OF CHAF"E ON

Last Will and Testament

I, HELEN G. TOLBERT, presently residing in the City of Charleston, State of South Carolina, and being of sound and disposing mind and memory, do hereby Make, Publish and Declare this to be my LAST WILL AND TESTAMENT, hereby revoking any other Wills or codicils by me heretofore made.

IMPRIMIS: I direct my Executor and Executrix hereinafter named to pay all of my just debts and funeral expenses as soon after my death as may be practicable.

SECOND: I give and devise my dwelling house situated at Remley's Point, Christ Church Parish; also, my property at numbers 102 and 104 Nassau Street; and, my property at number 21 Line Street, to my beloved husband, Fred W. Tolbert, for and during the term of his natural life; and upon his death, I give and devise the said property to my five children, to-wit: Fredrena T. McMillan, Carolyn T. Smith, Blanton W. Tolbert, Betty Jean T. Jones and Sarah Joe T. Latten, to them and their heirs and assigns, share and share alike. Should any of my children predecease me or my husband, then that portion so devised to them by this Will shall go to the child or children of such deceased child or children. All other property, of whatsoever kind or nature, that I am possessed of at the time of my death, I give and bequeath to my beloved husband, Fred W. Tolbert.

THIRD: I hereby nominate, constitute and appoint my husband, Fred W. Tolbert, and my daughter Betty Jean T. Jones, as Executor and Executrix of this my LAST WILL AND TESTAMENT, to serve jointly and without bond.

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal, this 8th day of October, 1974, in Charleston, South Carolina.

To put some controversy to rest per Charles and Keith this mis-Conception Note Notice

Per what is in-volved in Subject Will non being defined by a Quiet Title claim herein. CJ.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
IN THE MATTER OF:
BLANTON WILLIAM TOLBERT
(Decedent)

IN THE PROBATE COURT

DEED OF DISTRIBUTION
(Real Property Only)
NOT A WARRANTY DEED

CASE NUMBER: 2017-ES-10-01149

BP0654353

 # PGS: 3

The undersigned states as follows:

Decedent died on 6/22/2015; and probate of the Estate is being administered in the Probate Court for BERKELEY COUNTY, South Carolina, in File #2015-ES-08-907-2; with an ancillary administration in CHARLESTON COUNTY Probate Court in File # 2017-ES-10-01149.

I was appointed Personal Representative (s) on June 20, 2017.

Decedent owned real property described as follows:

Tax Map Number: 514-11-00-065

Street/Property Address: 338 5TH AVENUE, MT. PLEASANT, SC 29464

Legal Description: **DECEDENT'S 20% INTEREST** IN ALL THAT LOT OF LAND WITH THE BUILDINGS AND IMPROVEMENTS THEREON IN THE VILLAGE OR SETTLEMENT, FORMERLY THE PROPERTY OF CHARLESTON LAND COMPANY, ALL OF SCANLONVILLE, AND FORMERLY REMLEY'S POINT, IN CHRIST CHURCH PARISH, DESIGNATED ON A PLAT OF SURVER MADE BY JOHN A. MICHAEL THE FOURTEENTH DAY OF FEBRUARY, 1870, AS LOT NO. 326,
MEASURING AND CONTAINING ONE HUNDRED (100') FEET ON THE FRON AND BACK LINES AND TWO HUNDRED (200') FEET IN DEPTH, BE THE SAID DIMENSIONS MORE OR LESS,
BUTTING AND BOUNDING ON THE NORTH BY LOT NO. 317, ON THE EAST BY LOT NO 327, ON THE SOUTH BY FIFTH AVENUE, AND ON THE WEST BY LOT 325.
BEING THE SAME INTEREST IN THE PREMISES CONVEYED TO BLANTON WILLIAM TOLBERT BY DEED OF DISTRIBUTION DATED JANUARY 17, 2013 IN THE RMC FOR CHARLESTON COUNTY AT BOOK 0306 PAGE 283.

☐ Additional sheet(s) for additional property(ies) is attached (check if applicable)

This transfer is made pursuant to:

☐ Decedent's Will
☒ Intestacy Statute: SCPC 62-2-103
☐ Private Family Agreement: SCPC 62-3-912
☐ Disclaimer by: _____
☐ Probate Court Order issued on _____
☐ Other: _____

RMC Bk 0306 Pg 283 : pg 1 *

STATE OF SOUTH CAROLINA)
)
COUNTY OF: CHARLESTON)
)
IN THE MATTER OF: HELEN ALICE GRANT)
TOLBERT)
)

L. J306283

IN THE PROBATE COURT
CORRECTIVE
*** DEED OF DISTRIBUTION**

Appellant only signed

***Originally recorded in Book 0209 at Page 305 page 001**
Recorded to correct percentage of ownership
CASE NUMBER: 2010-ES-10-01356

Appellants did not execute any new Deed They did.

WHEREAS, the decedent died on December 25, 2003; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for CHARLESTON County, South Carolina in File #2010-ES-10-01356; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name:

Carolyn Tolbert Smith 338 5th Street Mt. Pleasant, SC, 29464 (20% interest)	Blanton William Tolbert 202 St. James Ave., Apt. # 9-D Goose Creek, Ave. 29445 (20% interest)	Dr. Betty Jean Tolbert Jones P.O. Box 6429 Charlottesville, VA 22906-6429 (20% interest)
Sara Jo Tolbert Latten 7095 Hollywood Blvd. Apt. # 597 Hollywood, CA 90028 (20% interest)	Charles Tolbert 115 Franklin Tpk, No. 259 Mahwah, NJ 07430 (10% interest)	Charla McMillian 1518 Encinal Avenue Alameda, CA 94501 (10% interest)

following described property:

ALL that lot of land with the buildings and improvements thereon in the village or settlement, formerly the property of Charleston Land Company, all of Scanlonville, and formerly Remley's Point, in Christ Church Parish, designated on a Plat of Survey made by John A. Michel the fourteenth day of February, 1870, as Lot No. 326,

Measuring and Containing One Hundred (100') feet on the front and back lines and Two Hundred (200') feet in depth, be the said dimensions more or less,

Butting and Bounding on the North by Lot No. 317, on the East by Lot No. 327, on the South by Fifth Avenue, and on the West by Lot 325.

BEING the same interest in the premises conveyed to conveyed to Fred W. Tolbert and Helen G. Tolbert by Marvin E. Dennis; by Deed dated June 19, 1970; recorded June 19, 1970 in Book R94 at Page 128 in the RMC Office for Charleston County.

TMS#: 514-11-00-065

TOGETHER with all and singular the Rights Members Hereditaments and Appurtenances to the said Premises/Property belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Carolyn Tolbert Smith,

Copy this pg only

BP[illegible]418 #PGS: 3

STATE OF SOUTH CAROLINA) All Plaintiffs IN THE PROBATE COURT

COUNTY OF CHARLESTON) Focus here RE-RECORDED*

) DEED OF DISTRIBUTION

IN THE MATTER OF:) (Real Property Only)

BLANTON WILLIAM TOLBERT) NOT A WARRANTY DEED

(Decedent)) CASE NUMBER: 2015-ES-08-907-3

BP1002233 #PGS: 5

The undersigned states as follows:

Decedent died on 06/22/2015; and probate of the Estate is being administered in the Probate Court for BERKELEY County, South Carolina, in File # 2015-ES-08-907-3; WITH AN ANCILLARY ADMINISTRATION IN CHARLESTON COUNTY PROBATE COURT IN FILE # 2017-ES-10-01149-2.

I/We was/were appointed Personal Representative (s) on August 31, 2020.

Decedent owned real property described as follows:

Tax Map Number: 514-11-00-064

Street/Property Address: 0 6TH STREET, MOUNT PLEASANT, SC 29464

Legal Description: **DECEDENT'S** Twenty percent (20%) **INTEREST** IN ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SCANLONVILLE, WHICH IS A PORTION OF A TRACT OF LAND KNOWN AS REMLEY'S POINT, IN WHAT WAS FORMERLY CHRIST CHURCH PARISH, CHARLESTON COUNTY, SOUTH CAROLINA, NOW KNOW AS MOULTRIE SCHOOL DISTRICT NO. 2, AND SHOWN AND DESIGNATED ON A PLAT MADE BY JOHN A. MICHAEL, SURVEYOR, FEBRUARY 14, 1870, AND REVISED DECEMBER 1894 BY H.S. LAMBLE, CIVIL ENGINEER, WHICH PLAT WAS RECORDED IN THE R.M.C OFFICE FOR CHARLESTON CO9UNTY ON NOVEMBER 3, 1899 IN PLAT BOOK D, PAGE 180 AS SMALL BLACK NUMBERS LOT 327.

BEING THE SAME INTEREST IN THE PREMISES CONVEYED TO BLANTON WILLIAM TOLBERT BY DEED OF DISTRIBUTION DATED SEPTEMBER 26, 2011 AND RECORDED ON SEPTEMBER 28, 2011 IN THE R.M.C FOR CHARLESTON COUNTY IN BOOK 0209 AT PAGE 303.

☐ Additional sheet(s) for additional property(ies) is attached (check if applicable)

This transfer is made pursuant to:

☐ Decedent's Will
☒ Intestacy Statute: SCPC 62-2-103
☐ Private Family Agreement: SCPC 62-3-912
☐ Disclaimer by: _____
☐ Probate Court Order issued on _____
☐ Other: _____

*Re-recorded to correctly reflect the ownership interest, XXX full interests of the property attached hereto as Exhibit "A" for reference

IKON LAW, LLC
3404 Salterbeck St., Ste 204
Mt. Pleasant, SC 29466

Copy this pg

ID 1144208

Re: Helen G. Tolbert Claim ~SC State Treasurer's Office Property ID Number 1144208

Aunt Kay/All: The SC Treasurer's Office has some unclaimed property of Helen Tolbert: $305.66 in unclaimed cashier's checks from First Federal which we're entitled to.

the $305.00

SC State Treasurer's Office
Palmetto Payback Program
PO Box 11778
Columbia, SC 29211
(803) 737-4771

Cashier's checks from First Federal listed as unclaimed property of my deceased grandmother **Helen G. Tolbert** in the amount of $305.66. For Aunt Kay to send in:

- **Treasurer's Office needs copy of of Helen G. Tolbert Death Certificate**
- **Treasurer's Office needs copy of Probate Certificate naming Carolyn as Personal representative for estate of Helen G. Tolbert**
- **Heirs Contact Information and Share of $305.66 Proceeds**: Will names her five (5) children as beneficiaries. Two (2) of those five (5) children (Fredrina Tolbert* and Blanton Tolbert*) are now deceased leaving their children as heirs/beneficiaries as follows.

1. **Fredrina Tolbert*** (deceased)

Charles Tolbert
115 Franklin Tpk, No. 259
Mahwah, NJ 07430
Share of Proceeds: $30.56

Charla Tolbert-McMillian
78 Belden Street, Apt. 1
Boston, MA 02125
Share of Proceeds: $30.56

$305.00 ÷ 4 for Betsey Blanton + Kay

Please note that Charles and Charla received over payments in my distribution of mothers (Mrs. H. G. Tolbert) retirement monies of $12,000.00 described by officials as owner's money remaining from the total begun originally at the moment of retirement. GJ

Defendants stands corrected, if need be. Charles + Charla need to return ~~of the portion~~ a portion of Mas retirement monies, if I made said mistake. GJ

What is this? Who has claimed it? If I did you received a share. Please Respond? GJ

2. **Carolyn Joan Tolbert Smith**
338 Fifth Avenue
Mount Pleasant, SC 29464
Share of Proceeds: $61.13

3. **Blanton Tolbert*** (deceased)

Keith L. Tolbert
52 Windcrest Drive
Covington, GA 30016-1299
Share of Proceeds: $61.13

4. **Betty Jean Tolbert Jones**
1311 Delaware Avenue SW, Suite S843
Washington, DC 20024
Share of Proceeds: $61.13

5. **Sara Jo Tolbert Latten**
Phone (323) 798-4357
Email: temperance102@yahoo.com
Share of Proceeds: $61.13
Need SJ new address and contact info for payment

Please let me know if you require any additional information.

Best,
Charles

Urgent

My Disclosing of the truth pertaining to accusations that Appellant executed more than the deed of Sept 26, 2011. See below that Respondents did those things and used the same to prevail in the Circuit Court. Cpt.

In accordance with the laws of the State of South Carolina, the Personal Representative(s) does/do hereby release all of the Personal Representative's(s') right, title and interest, including statutory and/or testamentary powers, over the real property described to the beneficiaries named below: Representative Carolyn T. Smith retains all rights thereto. cpt. Explain the above. cp

Name: Keith L. Tolbert
Address: 52 Windcrest Drive
Covington, GA 30016-1299

Ouster was secondary in their argument

☐ Additional sheet(s) for names of additional beneficiaries is attached (check, if applicable)

IN WITNESS WHEREOF the undersigned, as Personal Representative(s) of the above Estate, has executed this Deed of Distribution, on this 24 day of August, 2020.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness: [signature]

Print Name: Mary Laughery

Witness: Deborah Hobbs

Print Name: Deborah Hobbs

→ Re: Corrective Deed of Distribution pinned on me. Below find the truth that Respondents executed or had said executed without the knowledge of Appellant. Claimed I

Estate of: Blanton William Tolbert
Signature of Personal Representative: Keith L. Tolbert

Print Name: Keith L. Tolbert

Carolyn T. Smith

03/19/2023

STATE OF GEORGIA)
COUNTY OF Rockdale)

ACKNOWLEDGMENT

I, Deborah Hobbs, Notary Public, a notary for the State of Georgia do hereby certify that Keith L. Tolbert as Personal Representative(s) of the Estate of Blanton William Tolbert, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution. ← Appellant → did not do this Respondents did. cpt.

Witness my hand and seal this the 24 day of August, 2020.

Note, please: Andrews, Ashley pinned on me responsibility for a corrective Deed of Distribution. Above you find a date 08/24/2020 as a part of Exhibit "B" an extension of Exhibit "A" regarding Kalivas' Corrective D of Dist. Counsels for the Plaintiffs in CASE NO. 2021 CP-10-04058 needed to falsely accuse me in their plot to prevail at Hearing Sept. 21, 2021. cpt. Said Counsel Claimed that Appellant Carolyn Smith executed the subject corrective Deed wherein the signature supposedly mine is a forgery I believe. cpt

Deborah Hobbs (SEAL)
(Signature of Notary Public)
Deborah Hobbs
(Print name of Notary Public)
Notary Public for State of Georgia
My Commission Expires: October 10, 2023

DEBORAH HOBBS
Notary Public, Georgia
Rockdale County
My Commission Expires
October 10, 2023

This document was prepared by IKON Law, LLC without the benefit of a title examination.

Below see the only Deed of Distribution I signed. cgs

Bianton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, Charla McMillian, Charles Leon McMillian.

their heirs and assigns forever. Suspicious No date to doc serious docu cgs

IN WITNESS WHERE OF the undersigned as Personal Representative of the estate of the decedent has executed this Deed, on this _____ day of _____, 2011.

? ?

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF

Estate of: Helen Alice Grant Tolbert

no signature

by Signature: Carolyn Tolbert Smith

? ? ? ? ?

Witness: K. C. M. ← who

Witness: Shaunda Smith ← who

not a signature

Not my signature!

Nonetheless I cannot find herein a Deed of Distribution.

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

PROBATE

PERSONALLY appeared before me Shaunda Smith and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with Kelvin M. Huger witnessed the execution thereof.

SWORN to before me this 26 day of September, 2011

Witness Signature: K. C. M.

Notary Public for South Carolina

My Commission Expires: 3-31-2018

BELOW, PLEASE SPECIFY THE EXACT NAME AND ADDRESS OF THE PERSON(S) TO WHOM TAX BILL SHALL BE SENT:

Mrs. Carolyn Tolbert Smith
338 5th Street
Mt. Pleasant, SC 29464

Note: Appellant signed with her own signature for the distribution arrived at by my Counsel Atty. George Counts in 2011 once and for all. Any corrective deed I had nothing to do with so include any signing by me Carolyn T. Smith. cgs

FORM #400PC(1/89)

Note: I've seen Helen Tolbert Grantor also maker } difference

Show this

RMC Bk 0209 Pg 305 : pg 2

Attention Keith and Charles Loon; See beneath to end your quries, Kindly stop the harassment. Inquire no more. GJS.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE MATTER OF:
BLANTON WILLIAM TOLBERT
(Decedent)

IN THE PROBATE COURT

DEED OF DISTRIBUTION
(Real Property Only)
NOT A WARRANTY DEED

CASE NUMBER: 2017-ES-10-01149 Keith, Charles Leon

BP0654353

 # PGS: 3

The undersigned states as follows:

Decedent died on 6/22/2015; and probate of the Estate is being administered in the Probate Court for BERKELEY COUNTY, South Carolina, in File #2015-ES-08-907-2; with an ancillary administration in CHARLESTON COUNTY Probate Court in File # 2017-ES-10-01149.

I was appointed Personal Representative (s) on June 20, 2017.

Decedent owned real property described as follows:

Tax Map Number: 514-11-00-065

Street/Property Address: 338 5TH AVENUE, MT. PLEASANT, SC 29464

Legal Description: **DECEDENT'S 20% INTEREST** IN ALL THAT LOT OF LAND WITH THE BUILDINGS AND IMPROVEMENTS THEREON IN THE VILLAGE OR SETTLEMENT, FORMERLY THE PROPERTY OF CHARLESTON LAND COMPANY, ALL OF SCANLONVILLE, AND FORMERLY REMLEY'S POINT, IN CHRIST CHURCH PARISH, DESIGNATED ON A PLAT OF SURVER MADE BY JOHN A. MICHAEL THE FOURTEENTH DAY OF FEBRUARY, 1870, AS LOT NO. 326,
MEASURING AND CONTAINING ONE HUNDRED (100') FEET ON THE FRON AND BACK LINES AND TWO HUNDRED (200') FEET IN DEPTH, BE THE SAID DIMENSIONS MORE OR LESS,
BUTTING AND BOUNDING ON THE NORTH BY LOT NO. 317, ON THE EAST BY LOT NO 327, ON THE SOUTH BY FIFTH AVENUE, AND ON THE WEST BY LOT 325.
BEING THE SAME INTEREST IN THE PREMISES CONVEYED TO BLANTON WILLIAM TOLBERT BY DEED OF DISTRIBUTION DATED JANUARY 17, 2013 IN THE RMC FOR CHARLESTON COUNTY AT BOOK 0306 PAGE 283.

See Fender Smalkin pg 6. Not False accusation per New Deed Dist by me. See - pg. 1 of 2
Re: upper right Corner of Real Property only
See the last of the paragraph re: Distribution Deed Dated Jan. 17, 2013
2. Reference is to which Deed Distribution?
I Appellant never signed here agreed to a Corrective Deed of Distribution it did not nor don't agree to fully to Any Dis Deed
Justly there must not be any

☐ Additional sheet(s) for additiona

This transfer is made pursuant to:

☐ Decedent's Will
☒ Intestacy Statute: SCPC 62-2-1
☐ Private Family Agreement: SCF
☐ Disclaimer by: _____
☐ Probate Court Order issued on
☐ Other: _____

FORM #400ES (1/2016)
62-3-907, 62-3-908

KT009

One of several hostile

behaviors proving

unequivocal Turning

out by Defendant,

• Carolyn T. Smith.

Cgb

Copy - only this pg

Copy 4

Charles Leon's request to visit refused on and about 1/14/2021. This Charles saw as Hostile - Hostility is wrapped in adverse behavior cps.

Gmail

Charles Tolbert <cggtesq@gmail.com>

Re: Tolbert Photo scans

1 message

Mon, Jan 4, 2021 at 6:07 PM

Charles Tolbert <cggtesq@gmail.com>
To: Ave Marie Cessini Mara Raquel Macondi Smith <ave_12000@yahoo.com>
Cc: Betty Jean Tolbert Jones <bettyjeantolbertjones@yahoo.com>, Keith Tolbert <jetjockklt@gmail.com>

Hi Ave: Happy New Year! Congrats again on passing your boards. Please let us know when you can take these photos over to Steven for professional scans as outlined below.

I'll send you a text reminder too...

Thx

Ousted Charles asked to visit subject property (Dwelli) w/ we refused him cps

On Mon, Jul 20, 2020, 4:54 PM Charles Tolbert <cggtesq@gmail.com> wrote:

Hi Ave: Just confirming you received... Pls update us on status whenever you can

Thx

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (212) 769-7980 and permanently delete the original and any copy of any e-mail and any printout thereof.

In and about this date we did not allow ousted Charles visit he. gave up. cp

On Mon, Jul 13, 2020 at 12:52 PM Charles Tolbert <cggtesq@gmail.com> wrote:

Hi Ave: I have a photo firm in Charleston who can do those high resolution scans of the two photos we will share with all family members:

Photo of Janie Hutchinson Tolbert - Large sepia toned/black and white

Photo of Fred Tolbert in tails/formal wear

I have arranged a pre-pay for the work. You can drop them off and either wait in your car for the scan to be completed and take the originals back with you on a rush basis or pick them up in 1-2 days whichever works best for you. Option 1 he suggests calling in advance and alerting him with your ETA and placing photos in rack curbside and he will come out immediately and retrieve; or Option 2 call in advance and come to his door masked etc and he will take from you. I let him jnow they are precious and valuable! Just let me know which option works and if on rush/wait there basis I will just add the rush fee onto his payment.

Email Communications 1/4/21 only cps

Contact:
Steven
IMAGING ARTS PRINTING
1038 Jenkins Road, Suite 110, Charleston, SC 29407
843.577.7501
Hours M-F 9-5

Thank you so much! Once I receive the scans I will have my restorer in NY clean and print copies for and mail to Keith, Sara Jo, Charla, and Bett!

😎

ct

Letters

From Plaintiffs

February 9, 2023

SC Bar No. 76667)
PA
ay
one)
ile)
ents Charles Tolbert
olbert McMillian

Re: Charles T. + Keith Tolbert

A. 01/17/'23

After attempting negotiating with heirs, said heirs refused to negotiate. Instead the heirs by Keith and Charles, estranged grandsons and nephews of mine

Aunt Kay

C. their grandmother nor for their grandfather. They behave like greedy object. Charles Tolberts leave all who question his sisters death with questions yet to be answered. Where is her body and how exactly did she die? CJS

052521NP

Attorney Kalivas alone points out an error in the Deed of Distribution. Further Kalivas admits to his discovery of error. Appellant Rhoads nothing a-bout said error. Kalivas'

052521NP

B. filed a drastic claim - Quiet Title. Said strangers to Fred Helen and to other family have no vested interest in my parents home per its preservation and legacy, no love fo

052

SC Bar No. 76667)
PA
ay
one)
ile)

A Re: Charles Tatt Keith

A 01/17/'23

After attempting negotiating with heirs, said heirs refused to negotiate. Instead the heirs by Kath and Charles estranged grandsons and nephews (mine) Aunt Kim

A 01/17/'23

After attempting negotiating with heirs, said heirs refused to negotiate. Instead the heirs by Kath and Charles estranged grandsons and nephews (mine) Aunt Kim

Their grandmother nor for their grandfather. They behave like greedy abject. Charles Talbert's leave all who question his sister's death with questions yet to be answered. Where is her body and how exactly did she die? CJS

filed a drastic claim - Quiet Title. Said strangers to Fred Helen and to other family have no vested interest in my parents home per its preservation and legacy, no home of

State Of South Carolina
County Of Charleston

In The Court Of Common Pleas
For The Ninth Judicial Circuit
CASE NO: 2021CP 10 04058

Keith Tolbert
Charles Tolbert

Plaintiffs,

Carolyn Tolbert Smith

Defendant.

Answer and Refutations
Of Defendant Carolyn
Tolbert Smith

FILED
2021 NOV -1 PM 4:28
JULIE J. ARMSTRONG
CLERK OF COURT
BY DGK

Nov. 1

Carolyn Tolbert Smith, individually, hereinafter referred to as, "Defendant," here and now I make my answer my refutation in response to the Complaint of the Plaintiff and in response to the Counter Claim(s) of Charles, A.K.A. Charles Leon McMillian, Defendant.

Per the Complaint of the Plaintiff, Keith Tolbert i.e, "Quiet Title", Partition + Lis Pending Defendant Carolyn Tolbert Smith denies the legitimacy of Said Claim. Further therefore I deny that the Plaintiff has the legal right to bring Said Claim of, Quiet Title, Partition, Lis Pending. Said action by Said Plaintiff Violates the Last Will and Testament per the true will of Helen Alice Grant Tolbert

Quiet Title not legitimate

Charles Tolbert, in his Counter Claim, points out and places his focus on the term in Said "Will" Which is the following, "Share and Share Alike." Helen Grant Tolbert hereinafter referred to as Mother never in Said, "Will" indicated any thought

KT034 (1)

I

Ma's intended that the subject property be kept permanently and available for purchase of 'in' to share of a thoughtfully planned manner

of Chopping up her land and dwelling or of dividing her property. Clearly, "Share and Share Alike" especially with a focus on the word, "Alike" not "equally", which is avoided, heirs are to agree on the fair portion of said inheritance be allotted to each heir according to shares and the same as shares derived from one's investments in the Corporation. Hence there is no place for equality as the Plaintiff(s) allege in Plaintiff's Claim and Charles in his Counter Claim. We reap what we sow

II

Sara Jo Tolbert Latten, after mother's death, called me, Defendant, to tell me that mother told her, Sara, that my family and I could live here at 338 Fifth Ave, Mt. Pleasant, SC, Scanlonville as long as we wanted to do so. Further she said, "Carolyn, you know Helentra, mother does not want to sell her property." I heartily agree! The property herein contested is our family's legacy, a family legacy. The Defendant, Carolyn J. Tolbert Smith and our immediate family's supporting me hereby do state my Answer and Refutation with stern opposition to Plaintiff's Complaint 2021CP10-04058.

Ma's not publicly permitted me and two people w[illegible] sell the property [illegible] the pr[illegible] no or[illegible] Sara[illegible] W[illegible] to

Answer - In response to the Complaint of Plaintiff Keith Tolbert and it flows to the Counter Claim of Charles Tolbert, A.K.A. Charles Leon McMillian, & the Defendant, Carolyn J. Tolbert Smith based on the detailed refutation aforementioned above, based on the blatent deliberate violation of the obvious intent of mother's will to "Share and Share Alike" without dividing any portion of her land but by individual heirs to sell their interest in said property, our legacy,

September 29, 2020

From Keith

Dear Aunt Carolyn,

A month ago, Aunt Betty Jean, Charles, Charla and I responded to your settlement proposal regarding the property, insurance policies, funds and other items in grandmother's estate. Each of us extended an invitation to you to join us in a conference call to discuss these long-delayed matters, however, you have neither responded to our letters nor joined our conversation.

Clearly, these matters are never pleasant, and the points of view tend to be as diverse as the number of individuals involved. Nonetheless, the issues must be addressed and forthrightly so if there is ever to be any peace and closure among all involved.

We are sincere in our desire to arrive at an equitable resolution for each of us in this matter of inheritance. This is simply not possible if we cannot come together and openly discuss our concerns. The failure to do so only breeds suspicion and mistrust. Such a circumstance should not characterize the handling of any difficulty among those who are not only united by blood, but also professedly by faith in the Lord Jesus Christ.

We invite you, once again, to join us in a good faith discussion regarding the equitable resolution to the matter of the swift and proper distribution our inheritance. We request your response no later than October 15, 2020.

Sincerely,

Keith

Cc: Betty Jean, Charles and Charla

Appellant Carolyn Smith never saw this letter until now January 20, 2023.

Proof of Defendants, Bring Home the exclusive possession of the subject property.

7 Extremely urgent are memoties here below, cg Smith

The serious adversity below and present and hereafter all such dhaeg indicated herein is drenched in hostility by my proposals of a settlements herein. Further, please recognize the lengths these Plaintiffs have taken this matter, 2021CP10 04058, ie Quiet Title Claim + Sell Free and Helon Legacy on of my heirs of greed ino herein.

August 27, 2020

Aunt Carolyn,

I am in receipt of your proposal for the distribution of grandmother and grandfather's estate. It is indeed unfortunate that even the attempt to complete this difficult and uncomfortable process has taken such an extended period. I can imagine that your position as executrix of the estate has caused no lack of headache for you. Thank you for your efforts and for the solution that you have proffered. So you find herein that aunt Kay Admit it. → herein is showing hostile rebellion to your

Nonetheless, I am unable to consider your proposal as it stands. As you are aware we have been holding family conference calls to discuss this matter. It seems there has never been a proper and full accounting of grandmother and grandfathers joint and individual estates. → Untrue

Irrelevant cg See as to fate of Blanton

Insurance policies have been lost and grandmother's bank account(s) haven't been maintained or dispersed. Several items of great sentimental value to members of our family have not been located or made available. There also remain questions about investments and retirement plans that grandmother initiated that have not been addressed. These matters cannot simply be dismissed as the proper administration and distribution of the proceeds from these accounts must also be addressed. Study law, lawyer and you'll have Correct legitimate responses and lead you in your questioning

you should have been involved in ma living/life, non-existent where was your interest in your grandmother's care, needs, reciprocal of mas love for you and Charla? think about it cg

Aunt Kay did already address all your non-relevant concerns

Without the above information it is not possible to responsibly evaluate your proposal. I believe that it is imperative that you become involved in our joint family discussions about these matters in order that we all might have our questions answered and concerns addressed. Only having full and detailed information will enable us to properly evaluate your proposal. you're unreasonable herein due to your ignorance nephew. Study law, cg

I look forward to an equitable solution for all of us. No you do not. you are a greedy estranged grandson + nephew who attend a funeral, you have taken much but given hatred, your weakness. cg

Keith

I, Appellant Carolyn Smith is now, January 20, 2023, privy of the above. Herein, therein, thereto simply insists upon requests upon request and demands for me to address that which is irrelevant NO negotiating has taken place

Exhibit I

per Hostility and Exclusive Ownership Possession

TOLBERT
115 FRANKLIN TPK., NO 259
MAHWAH, NJ 07430

VIA EMAIL AND POST

Aunt Kay is ml was understood to not be interned Saany Day is my first time made prior of this

8/25/20

I'm not seeing this letter 03/17/2023 Dhawna E-Mail? Are you aware of it

Dear Aunt Kay: We are in receipt of your letter dated August 8, 2020 and appreciate your efforts at presenting a settlement proposal in the matter of our grandparents' real estate. ~~As Charla~~ and I mentioned to you in our phonecall of July 12th, we are also very interested in settling the estate matters, which really should have been discussed, handled, reported on, and divided evenly among all the heirs many years ago.

Herein: Line 3 above - you know Charla never said anything

NOT Charla. Only Chatted with me coming up. The truth, Charla Aunt K

I don't know a thing about E-Mails 2/ CP

In our phone conversation, we mentioned to you that estate matters include more than just real estate though. Each of our grandparents had their own estate properties requiring a full reporting to each of the heirs. Estate contents include what some call soft or sentimental items (ie., clothing, photos, china, jewelry), as well as more critical items such as retirement account funds, insurance proceeds, and bank/investment funds ~ none of which have ever been fully reported on, accounted for, or distributed to the heirs. **The attached document lists some of the key items for which we would like information and details from you.**

The underlined prompted the drastic Quiet Title Hostility on my part. 3/

In terms of the real estate settlement proposal we do not have enough information at this stage to make a determination and we should view any estate settlement in total. It would also be helpful if you could let us know the basis upon which you arrived at your proposed numbers; upon what formulation are they derived so we can put the numbers in some context.

evidence that Plaintiffs is owner. They find my position as hostile

We are holding regularly scheduled Tolbert Family Conference Calls which you are welcome to attend; we invited you via text to Ave and an email email to Ave to our last family call but did not receive a response whether you would be attending or not. In addition to following up on our inquiries in writing it would be helpful for family members to actually speak productively and discuss the best path forward.

their response to my evidentiary ownership of the property.

Stay safe and well,

Charla and Charles

Response Plain 1. Kathy 2. Charles 3. et al. received me a letter stating me Aunt Kay Lynn Smith an ownership line, listing the Contribution that each Plaintiff made to decedents Frei Helen Tolbert, Sai heirs found that I

Cont'd pointed out to them how minute their contributions were

I don't do E-mails
I have no E-mail address hence, cpt

Charles further emphasizes Appellants burner-ship. It proves the burning-out. Thus too I encounter for the first time.

October 7, 2020

Hi Aunt Kay: Keith suggested we re-send all of our written responses to your settlement offer which you say you did not receive via mail. Each of us responded very timely to your proposal in writing; we sent by US Mail and via email to Ave asking her to share our responses with you. We have this email for Ave; please confirm accurate or provide alternate email to speed our communications: ave_12000@yahoo.com. Apparently neither of these methods worked which seems highly unusual. It is important for us to find viable methods of formal communication throughout this process so please let us know what works best for you if mail, text, and email doesn't work. Use certified.

I never got any by U.S. Mail with not certified as Aunt Kay does respectfully,

Use, "Ma Bell" - person to person mail. I do.

You set it up since you know how, cpt

In terms of our family conference calls, we can easily walk you through the procedure for how to dial into the conference call which is really quite simple. All you have to do is dial the phone number we provide and when the call connects you dial the conference code number that we provide and you hit the # button which is beneath the number nine on your dial pad. Trust me, if my 16 year old mentee can do it each week and Charla can do it with limited mobility, one hand, and impaired vision, you can too. Alternatively while we are on the call we can also patch you in so just let us know your availability as we typically have these on a selected weekday usually 6:00 p.m. EST.

Our main questions are: Below here you show my response now show the duty to you all. Where were you when ma' live duty

You had a clear...

- We need a clear and accurate picture of the entire estate as the estate assets include way more than real estate. It is a completely inaccurate statement to claim that the Court has determined that insurance, banking and other financial matters are not relevant to an estate. It would be very concerning to all of us if the personal representative for the estate (or any court) thought otherwise.
- We need a full understanding of how you arrived at the settlement numbers you proposed so we can review and evaluate in context.
- We also need some movement on the soft/sentimental items we requested. As Aunt Bett pointed out in her note to you none of us have asked for anything over all these years so it seems a rather minor request and very easily facilitated, all things considered.

Irrelevant

Best, ct

cc: Bett, Charla, Keith

Enclosures

Re: Charles T. + Keith T.

A

01/17/'23

After attempting negotiating with heirs, said heirs refused to negotiate. Instead the heirs by Keith and Charles estranged grandsons and nephew of mine

Aunt Kay

052521NP

B

filed a drastic claim - Quiet Title. Said strangers to Fred Helen and to other family have no vested interest in my parents home per its preservation and legacy, no power for

052521NP

C

their grandmother nor for their grandfather. They behave like greedy abject. Charles Talbert leave all who question his sister's death with questions yet to be answered. Where is her body and how exactly did she die? CJS

052521NP

Rule 1 1(c) Fin Ans
Copy other Interrog
Copy

Keith

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
Keith L. Tolbert,	)	CASE NO.: 2021-CP-10-04058
	)	
Plaintiff,	)	**DEFENDANT CAROLYN TOLBERT-SMITH'S FIRST SET OF INTERROGATORIES TO PLAINTIFF**
	)	
v.	)	
	)	
Carolyn Tolbert-Smith; Charles Tolbert; Betty Jean Tolbert Jones; Sara Jo Tolbert Latten; and Estate of Charla Tolbert McMillan,	)	
	)	
Defendant(s).	)	

TO: WILLIAM K. KALIVAS, ESQ., ATTORNEY FOR PLAINTIFF

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, the undersigned attorney for Carolyn Tolbert-Smith ("Defendant") hereby requests that Plaintiff answer the following interrogatories within thirty (30) days.

which Plaintiff? OK

DEFINTIONS AND INSTRUCTIONS

1. "Plaintiff" refers to Keith L. Tolbert and his agents, representatives, or any other person or persons acting for or on his behalf.
2. "Property" means those parcels of real property that are the subject of this action.
3. The words "you" and "your" refer to the parties to whom these Interrogatories are directed, individually and collectively, or each of their respective agents, representatives or any other person or persons acting for or on behalf of such party.
4. The word "person" and "persons" include, without limitation, individuals, associations, partners and corporations.
5. "Identify," when used with respect to an individual, means to state such individual's name, address, telephone number, occupation or profession, job title, and the name, address and telephone number of such individual's employer.
6. "Identify," when used with respect to an organization (e.g. a corporation, partnership or Association), means to state the name of such organization, type of organization, and the address and telephone number of its principal place of business.

15. In construing these Interrogatories, the singular shall include the plural and the plural shall include the singular. Any pronoun means the masculine, feminine and neuter gender and the singular or plural as in each case may be appropriate. The use of a verb in any tense shall be construed as the use of the verb in all tenses as is necessary to bring within the scope of an Interrogatory all responses that might otherwise be construed to be outside its scope.

16. In answering the Interrogatories, you are requested to furnish all information which is in your possession, custody or control, including information in the possession of your attorneys or other persons directly or indirectly employed or retained by you, or anyone else acting on your behalf or otherwise subject to your control.

17. If any of the following Interrogatories cannot be answered in full, please answer it to the fullest extent possible, explaining why you cannot answer the remainder, and stating any information or knowledge which you have concerning the unanswered portion.

18. Where an individual Interrogatory calls for an answer that involves more than one part, each of the answers should be clearly set out so that it is understandable.

19. Interrogatories shall be deemed continuing, and your responses must be supplemented if further information responsive to the interrogatories should be learned or discovered by you subsequent to your initial response, or if the nature of the information sought herein changes between the time the answers to the interrogatories are served and the time of the trial in this action.

INTERROGATORIES

1. Give the names and addresses of persons known to Plaintiff or Plaintiff's counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses as well as who has possession of such statements.

2. Set forth a summary sufficient to inform Defendant of the important facts known or observed by each witness, or provide a copy of any written or recorded statements taken from each witness.

3. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the Plaintiff that relate to the allegations set forth in the Complaint.

4. List the names and addresses of any expert witnesses whom the Plaintiff proposes to use as a witness at the trial of the case.

 Keith's Responses must be as followed

None 5. Set forth an itemized list of any improvements made to the Property by Plaintiff since 2015, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by Plaintiff in making such improvement, if any. None

None 6. Set forth an itemized list of any repairs made to the Property by Plaintiff since 2015, including the approximate date the repair was made, a description of the repair, and the cost incurred by Plaintiff in making such repair, if any. None None

None 7. Describe in detail any and all contributions Plaintiff has made to the routine maintenance of the Property since 2015, including a description, approximate dates made, and any cost incurred by Plaintiff in said maintenance. None

None ever 8. Set forth a list of the dates and amounts of payments made by Plaintiff toward the property taxes and/or insurance premiums related to the Property. None ever

None 9. Set forth a list of any other pecuniary contributions made by Plaintiff related to the Property since 2015, including dates, amounts, and descriptions of the contributions made. None

Never 10. Please identify any time periods that Plaintiff resided at the Property, including his age at the time and length of residency. None His grandparents Fred and Helen did not know Keith. He did not know them only their financial resources

11. Identify any times that Plaintiff has visited the Property over the past twenty years, including approximate dates, length of stay, and purpose of the visit. Few. He frequented his mother's peoples home.

None 12. Describe any pecuniary contributions made by Blanton William Tolbert toward the Property during the period of 2000-2015 that Plaintiff is aware of, which may include, but is not necessarily limited to improvements, maintenance, repairs, taxes, insurance, etc. Ma'+T helped support Blanton's monetary needs ~~None of that here below~~ was paid $100.00 weekly to sit with his spouse for a few month during 1998

13. Provide addresses for any and all real properties owned by Plaintiff, regardless of location, and identify the primary use of each (i.e., primary residence, rental property, etc.). A home in Covington, GA had a pt home near Atlanta and maybe heir to property in Augusta GA (GA)

52 Covington, GA

Stone Mountain property priority Heir to mothers property in Augusta, GA3

Grandfather's property in Augusta?

14. Besides this lawsuit, please identify any other litigation in which Plaintiff has been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter.

15. Other than Plaintiff's attorney and/or his staff, identify all individuals or entities with whom Plaintiff has communicated with regarding the Property and/or allegations contained in the Complaint. State the dates and describe the substance of such communications.

His wife, Mrs. Lisa Curry Tolbert, Plaintiff's mother, Mrs. Frederika S. Tolbert, Plaintiff's wife, mother and perhaps others

Respectfully submitted,

FINKEL LAW FIRM LLC

Malena A. Dinwoodie (S.C. Bar No. 103978)
4000 Faber Place Drive, Suite 450
North Charleston, South Carolina 29405
(843) 577-5460
mdinwoodie@finkellaw.com
Attorneys for Defendant Carolyn Tolbert-Smith

Date: April 27, 2022

Where are Keith's list of properties?
CJS

Copy

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
Keith L. Tolbert,	)	CASE NO.: 2021-CP-10-04058
	)	
Plaintiff,	)	**DEFENDANT CAROLYN TOLBERT-SMITH'S FIRST SET OF INTERROGATORIES TO DEFENDANT CHARLES TOLBERT, IN HIS INDIVIDUAL CAPACITY, AND AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF CHARLA TOLBERT MCMILLAN**
v.	)	
Carolyn Tolbert-Smith; Charles Tolbert; Betty Jean Tolbert Jones; Sara Jo Tolbert Latten; and Estate of Charla Tolbert McMillan,	)	
Defendant(s).	)	

TO: ASHLEY ANDREWS, ESQ., ATTORNEY FOR DEFENDANTS CHARLES TOLBERT AND ESTATE OF CHARLA TOLBERT MCMILLAN

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, the undersigned attorney for Carolyn Tolbert-Smith hereby requests that Charles Tolbert, in his individually capacity and as Personal Representative for the Estate of Charla Tolbert McMillan, answer the following interrogatories within thirty (30) days.

DEFINITIONS AND INSTRUCTIONS

1. "Defendant" refers to Charles Tolbert and his agents, representatives, or any other person or persons acting for or on his behalf.
2. "Decedent" refers to Charla Tolbert McMillan. ? where is she ?
3. "Property" means those parcels of real property that are the subject of this action.
4. The words "you" and "your" refer to the parties to whom these Interrogatories are directed, individually and collectively, or each of their respective agents, representatives or any other person or persons acting for or on behalf of such party.
5. The word "person" and "persons" include, without limitation, individuals, associations, partners and corporations.
6. "Identify," when used with respect to an individual, means to state such individual's name, address, telephone number, occupation or profession, job title, and the name, address and telephone number of such individual's employer.

3. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the Defendant that relate to the allegations set forth in the Answer and Counterclaim.

4. List the names and addresses of any expert witnesses whom the Defendant proposes to use as a witness at the trial of the case.

5. Set forth an itemized list of any improvements made to the Property by Defendant since 2000, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by Defendant in making such improvement, if any.

6. Set forth an itemized list of any repairs made to the Property by Defendant since 2000, including the approximate date the repair was made, a description of the repair, and the cost incurred by Defendant in making such repair, if any.

7. Describe in detail any and all contributions Defendant has made to the routine maintenance of the Property since 2000, including a description, approximate dates made, and any cost incurred by Defendant in said maintenance.

8. Set forth a list of the dates and amounts of payments made by Defendant toward the property taxes and/or insurance premiums related to the Property.

9. Set forth a list of any other pecuniary contributions made by Defendant related to the Property since 2000, including dates, amounts, and descriptions of the contributions made.

10. Please identify any time periods that Defendant resided at the Property, including his age at the time and length of residency.

11. Identify any times that Defendant has visited the Property over the past twenty years, including approximate dates, length of stay, and purpose of the visit.

Please interrog per Chambers

12. Provide addresses for any and all real properties owned by Defendant, regardless of location, and identify the primary use of each (i.e., primary residence, rental property, etc.). See address on list(s) of Service Certificates in subject matter - cjs

13. Besides this lawsuit, please identify any other litigation in which Defendant has been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter.

14. Identify all individuals or entities with whom Defendant has communicated with regarding the Property and/or allegations contained in Defendant's Answer. State the dates and describe the substance of such communications.

Respectfully submitted,

FINKEL LAW FIRM LLC

Malena A. Dinwoodie (S.C. Bar No. 103978)
4000 Faber Place Drive, Suite 450
North Charleston, South Carolina 29405
(843) 577-5460
mdinwoodie@finkellaw.com
Attorneys for Defendant Carolyn Tolbert-Smith

Date: April 27, 2022

CERTIFICATE OF SERVICE

I certify that on this date a copy of the Plaintiff's Responses to Defendant Carolyn Tolbert-Smith's First Sets of Interrogatories and Requests for Production, were served by mailing, hand delivery, and/or electronic mail on the following:

Malena A. Dinwoodie, Esq.
FINKEL LAW FIRM, LLC
4000 Faber Place Drive, Suite 450
North Charleston, SC 29405
mdinwoodie@finkellaw.com
Attorney for Carolyn Tolbert Smith

Ashley G. Andrews, Esq.
LaFond Law Group, P.A.
544 Savannah Highway
Charleston, SC 29407
andrews@lafondlaw.com
Attorney for Charles Tolbert and the Estate of Charla Tolbert McMillian

Dr. Betty Jean Tolbert Jones
1311 Delaware Ave. SW, Ste. S843
Washington, DC 20024

William K. Kalivas

M., 10, 2022
Charleston, South Carolina

Copy

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 DEFENANT'S ANSWERS TO DEFENDANT CAROLYN TOLBERT-SMITH'S FIRST SET OF REQUESTS FOR PRODUCTION

TO: MALENA A. DINWOODIE, ESQ., ATTORNEY FOR DEFENDANT CAROLYN TOLBERT-SMITH:

Defendants Charles Tolbert and Charles Tolbert as Personal Representative of the Estate of Charla Tolbert McMillian, by and through their undersigned counsel, hereby submit answers to Defendant Carolyn Tolbert Smith's First Set of Requests for Production as follows:

Defendant, Carolyn Tolbert Smith claims the Self objections

GENERAL OBJECTIONS and QUALIFICATIONS

Defendants object to any request that exceeds the scope of discovery allowed pursuant to the South Carolina Rules of Civil Procedure.

Defendants object to the production of any documents not within Defendants' possession, custody, or control and to the production of documents equally accessible to the Plaintiff or Defendants.

Defendants object to Plaintiff's discovery requests to the extent that the same would be burdensome, impose an extreme hardship, or would result in the expenditure of unnecessary time and resources.

ANSWERS TO DEFENDANT CAROLYN TOLBERT-SMITHS'S FIRST SET OF REQUESTS FOR PRODUCTION

1. Any and all documents in the Defendant's possession, custody, or control which are in any way related to the claims against Carolyn Tolbert-Smith in this action.

Answer: Defendant is providing herewith copies of all documents in the Defendant's possession, custody, or control which are in any way related to the claims against Carolyn Tolbert-Smith in this action. A list of the documents is provided in the answer to Interrogatory No. 3.

Please see ans. in interrogs for Dr. Betty J T. Jones

Such stalling and beating around the bush 1st Answer

2. Any and all documents identified or described in Defendant's answers to Interrogatories.

Answer: Defendant is providing copies of the documents listed in the answer to Interrogatory No. 3. Additionally, Defendant is providing the following documents which are related to Defendant's answer to Interrogatory No. 14:

Not a document as claimed here upon

a. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on August 25, 2020 Not documented as received by Carolyn T. Smith. cpb

b. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020

c. Document entitled: *Re: Helen G. Tolbert Claim ~ SC State Treasurer's Office Property ID Number 1144208* Said letters are not documents. None proven received

Non-existent ← None received by Appellant/Defendant earlier cpb

d. Email communications from Defendant to various family members, emails were sent on July 20, 2020 and January 4, 2021 Defendant Carolyn T. Smith Aunt Kay has no known E-Mail address nor access to one. cpb

Defendant reserves the right to supplement this Answer if more communications are discovered in his personal records. None ever produced. cpb

None 3. Any and all documents evidencing Defendant's monetary contributions toward the improvements, maintenance, repairs, property taxes, insurance premiums, or other common expenses related to the Property.

Answer: ~~None.~~ cpb Please see answers among affidavits enclosed.

None 4. Any and all documents evidencing Defendant's non-monetary contributions toward the Property. See available tax receipts, see bags of monetary receipts available

Answer: ~~None~~ cpb Please see Betty Jo H Jones interrogs from Carolyn T. Smith

None 5. Any and all documents evidencing any contributions toward the Property made by Decedent, whether monetary or otherwise, that Defendant is aware of. Decedent is dead. She is deceased.

None Answer: ~~None~~ Irrelevant per Helen the decedent. Per Charles and Charla, neither contributed anything. They, Defendants destroyed were painfully destructive.

6. Copies of any communications received or sent by Defendant or Decedent from or to any other person or entity (other than Defendant's attorney and/or his attorney's staff) in relation to the Property and/or allegations in the Answer and Counterclaims.

Answer: Aunt Kay does not send nor receive E-Mails. On the telephone Conference call with heirs minus Sara Charles said, "even Charla does E-mails. Oct 2022 Charla was present up beat.

a. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on August 25, 2020 A letter is a form of communication and to prove receipts

b. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020 folks normally send such communication certified return receipts cpb

Did Charles or Charla communicate respectfully with their giving, compassionate, kind grandmother? No! But you want her property. Why? Greed? 2 Envy? Further discounting? cpb

7. A complete copy of Decedent's probate file, including all forms filed with Probate Court to date and any amendments or exhibits to the same.

Answer: Defendant is providing copies of the documents herewith.

Defendant has not been privy of said documents cited here above and is concern that Said Defendant, Aunt Kay was never con't advised of any passing of my niece, Charla by Charles Tolbert the brother that avoided an autopsy of his sister found dead, I'm told, then cremated. There needs to be a thorough investigation of cause of death, opportunity and motivation. are in question.

Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, SC 29407
843.762.3554
andrews@lafondlaw.com
Attorney for Charles Tolbert
Attorney for Charles Tolbert, Personal Representative for Estate of Charla Tolbert McMillian

Charleston, South Carolina
May 19, 2022

Certificate of Mailing

I certify that on this 19th day of May, 2022 the foregoing was served by United States Mail, postage prepaid and addressed as follows:

Malena A. Dinwoodie, Esq.
Finkel Law Firm, LLC
4000 Faber Place Drive, Suite 450
N. Charleston, SC 29405

With electronic copy to:

William K. Kalivas, Esq.
Smith | Closser, PA
wkalivas@scnlaw.com

Betty Jean Tolbert Jones
bettyjeantolbertjones@yahoo.com

Ashley G. Andrews

Charles not noticed here because Charles practices law according to his capabilities. I believe therefore that this saves him expenses for counsel who guides.

Con't memories, desire to keep this symbol of fond precious to some of who also gave so much to Fred + Helen sue! of the cherished memories of us except Charles. I crave preservation

Appellant has no way of saving money herein. Charles wants to bing subject property. So he is wealthy and cares nothing about subject property the decedents nor any.

RESPONSE TO PARTITION ACTION

RESPONSE TO PARTITION ACTION

1. The Name of the Court: IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
2. The Court Division: COUNTY OF CHARLESTON
3. The Case no.: CASE NO.: 2021-CP-10-04058
SCW File No.: 21-280
4. Plaintiff: Keith L. Tolbert
5. Defendants: Carolyn Tolbert Smith, Charles Tolbert, Betty Jean T
Tolbert Latten, and Estate of Charla Tolbert McMillian
6. The kind of Complaint: LIS PENDENS, Summons and Complaint
CASE NO. : 2021-CP-10-04058
7. Plaintiff's Address: Keith L. Tolbert, 52 Windcrest Drive, Covingto
8. Defendent's Address: Betty Jean Tolbert Jones, 1311 Delaware A
843, Washington, D.C. 20024

"Quiet Title" Fowl.

9. My Response to the Partition Action:

I, Betty Jean Tolbert Jones, support the above stated Partition Actio
Tolbert and Helen G. Tolbert, I have not received my share of my in
Estate property with the address of 338 5th Avenue, Mt. Pleasant, S
I have also not received my share of my inheritance of the Real Est
address of 0 6th Avenue, Mt. Pleasant, SC 29464, ("Property 2").

you have no interest per inheritance per 6th Ave

NO Both of these properties were willed to the five children of Helen G.
EQUAL 1/5 shares to each child. untrue

"Share and share alike" in no wise means equal. Justice is the decedents belief and trust and desire "Share and alike" means each receive his "Fair share" which rules out "equal share" *Said Will give no room for "Partition" hence no opportunity for "Quiet Title". All of the matter v The Will in this subject must be argued.

10. Betty Jean Tolbert Jones Betty Jean Tolbert Jon

11. September 25, 2021 9/25/21 BJ J.J.

12. I am sending a copy of this Partition Response to the Plaintiff, K
Covington, GA and to his Lawyer, William K. Kalivas, in Charleston,

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT CAROLYN TOLBERT SMITH

TO: MALENA A. DINWOODIE, ESQUIRE, ATTORNEY FOR DEFENDANT CAROLYN TOLBERT SMITH:

which Aunt "K" one

The Plaintiff, pursuant to Rule 33, SCRCP, hereby requires the Defendant to answer the following Interrogatories and serve a copy of the answers thereto upon William K. Kalivas, attorney for the Defendants at his office of Smith | Closser, P.A., 7455 Cross County Road, Suite 1, P.O. Box 40578, Charleston, South Carolina, 29423-0578, within thirty (30) days after service thereof.

In responding to these Interrogatories, furnish such information as is available to you, not merely such information as is of your own knowledge. This means you are to furnish information which is known by, or in the possession of, any of your subsidiaries, officers, employees, representatives, agents and unless privileged, attorneys.

In order to simplify the issues and resolve as many matters of fact as possible before trial, it is further requested that if you cannot respond fully to any of these Interrogatories or portions thereof, you will respond to the extent possible and state your reasons for not responding more fully. If you assert a claim of privilege concerning the subject matter of any of these Interrogatories, state clearly and in detail the nature of the privilege and the factual basis thereof. A response to one Interrogatory or a party hereof may be incorporated by reference in a response to another Interrogatory or a part thereof.

DEFINITIONS:

- The word "person" means any natural person, firm, corporation, partnership, joint venture, or any other form of business entity.
- "[Y]ou" and forms thereof, unless otherwise indicated, means Defendant Carolyn Tolbert-Smith and the attorney and firm to whom these interrogatories are addressed.
- "Defendant", unless other indicated, means Defendant Carolyn Tolbert-Smith.
- "Plaintiff", unless otherwise indicated, means this Plaintiff, Keith L. Tolbert.
- "Property", unless otherwise indicated, means the collective properties at issue in the Complaint.
- "[I]dentify" with regard to a person, means: provide full name; last known address; position at time referred to in Interrogatories; date of birth (or age at time referred to); and state whether or not such a person is represented by counsel for purposes of this litigation, and if so, by whom.
- "[D]ocument" includes, but is not limited to, writings, drawings, graphs, charts, tape, recordings, and every other type of data compilation, including all forms of computer (or other machine) storage and retrieval, and any other written, graphic, pictorial, electronic, or other material, whether or not in your possession, custody or control, or that of your agents, employees or attorneys.
- "[I]dentify" with regard to documents means: provide name and title of documents; date, author or recipient (or addressee) of documents; location and identity of custodian of documents; summary of contents of document sufficient to identify it for purposes of a subpoena *duces tecum*. In lieu of identifying a document, you may, at your option, attach the document to the responses to these Interrogatories.
- Single words wherever used include the plural, and vice versa.
- Any reference to one gender includes the other where applicable.

INTERROGATORIES

1. Give the names and addresses of persons known to you or your counsel to be witnesses concerning the facts of this case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

See please responses already submitted; See affidavits herein.

2. Set forth a list of photographs, plats, sketches or other prepared documents in you or your attorney's possession that relate to the claim or defense in this case.

Supplemental photos to be developed and made available

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy. State Farm Insurance

4. List the names and addresses of any expert witnesses whom you or your attorney proposes to use as a witness at the trial of the case. Torrances, Anne, Lyndon, Warry, neighbor, friends

Unfortunately Counsel did not use Defendant C Tolbert Smith's now anyone named above here. CJJ

Copy cover & more

5. For each person known to you or your counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses. China, Breji' Jackie Jeremy in addition to those here before cited. members that submitted Affidavits.

6. Set forth an itemized list of any improvements made to the Property by you, or at your request, since 2015, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by you in making such improvement, if any. Please see marginal notes on interrogatories per Betty Jean T Jones herein (w) on interrogatory Roof replacement; ground build up; New HVAC APS; new toilets and faucets; Trees trimmed yard care regularly; wall shelf fixtures in three rooms; new door locks shed installed. Exterior painting whole house

7. Set forth an itemized list of any repairs made to the Property by you, or at your request, since 2015, including the approximate date the repair was made, a description of the repair, and the cost incurred by you in making such repair, if any. See please marginal notes here upon

8. Describe in detail any and all contributions you have made to the routine maintenance of the Property since 2015, including a description, approximate dates made, and any cost incurred by you in said maintenance. Lawn Care, beautification interior and exterior Care of plants. added pot plant

9. Set forth a list of the dates and amounts of payments made by you toward the property taxes and/or insurance premiums related to the Property. All taxes & pd. 2003-~~2022~~ 21 2022

10. Set forth a list of any other pecuniary contributions made by you related to the Property since 2015, including dates, amounts, and descriptions of the contributions made. In and about 2012-2015 Kitchen Updates; 2 window air-conditioners

11. Set forth an itemized statement of damages for each and every separate claim alleged by you. For each element of damages provide the information or calculation relied upon to produce said amounts. For any summary, accounting, or calculation provide the identity of the person(s) who provided the information or performed the accounting or calculations and the information, documents, or formula used. Defendant's deprivation of sleep, rest and environment left behind. The losses experienced by Defendant's sons pulled away from ~~their~~ college studies to assist with damage to my children, taking the place of my siblings or grandchildren ~~2 of them~~ had to Extreme care clock care for their beloved grands. college to assist me with their grandparents' care. I needed to work full time to add sufficient to our family financial need. Assisted Living calculation cost saved by providing for our parents the comfort and pleasure of receiving top notch care in familiar surroundings at home

12. Please identify any and all time periods that you resided at the Property, including your age at the time and length of residency. 1960-'61 / 1985-'87 / 1995-2023

Age 23 / Age 28-50 / Age 58-85

I am not here during "Family Burden Bearers" 1960-'61; 1986-87 1995 - present 2023 only children exclusively 2015 - '23.

Cwolbert Smith provided the best for Fred and Helen our dear parents/grandparents. RIP

13. Describe any pecuniary contributions made by any of the other Defendants toward the Property that you are aware of, which may include, but is not necessarily limited to improvements, maintenance, repairs, taxes, insurance, etc. None at all never an offer to contribute cgt

14. State the specific legal and factual basis for your Adverse Possession counterclaim, and specifically the legal and factual basis for the allegations contained in Paragraph 40 of your Answer and Counterclaim. Defendant has possessed the subject properties for 27 yrs beginning in 1995 when Defendant moved from

15. Provide addresses for any and all real properties owned by you, regardless of location, and identify the primary use of each (i.e., primary residence, rental property, etc.). None is used at all,

16. Identify any addresses where you have resided for a period of longer than 48 hours since 2003. Always live resided at the subject address 338 Eighth Ave Mt Pleasant SC 29464 *1995-2023*

17. Besides this lawsuit, please identify any other litigation in which you have been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter. Please see interrogatory per Betty Jean T. Jones

18. Other than your attorney and/or her staff, identify all individuals or entities with whom you have communicated with regarding the Property and/or allegations contained in the Complaint. State the dates and describe the substance of such communications. Between 2020-22 family named

No 19. Have you, or anyone at your request and/or on your behalf, taken out any mortgage against the Property, or encumbered the Property in anyway, including but not limited to liens and lines of credit? If so, please provide the dates that such encumbrance was recorded against the Property and for what amount. Not anyone -

20. Has the Property been damaged during your time residing on the Property? If so, please provide the dates of such damage and any resulting repairs or remedial work performed. Fences have been damaged by Xylos and SCEG Tree Cutters and by Hurricane Ian

21. State with particularity the reasons why there was a delay in the filing and settlement of the Estate of Helen G. Tolbert, to include the recording of the relevant Deed of Distribution at issue in this case. Attorney Sara Jo Tolbert assured me that mother, the decedent said to her that Appellant could, with her family reside here as long as we wanted to. So we have done so and still want to live here.

22. Identify any rent payments made by you or to you related to the Property. In answering this Interrogatory, please identify by name and contact information the individual and/or entity making or receiving the rent payments. This is private property not a rental in any one earns the right to live here and to be paid by wise.

23. State with particularity any attempts, proposals and/or offers to make any rent payments to the heirs to the Property while you have resided thereon. See interrogatories. heirs who gave nothing Other heirs gave nothing. But now they are demanding all. CJ

SMITH | CLOSSER, P.A.

William K. Kalivas- SC Bar No. 80201
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
(843) 552-2678 facsimile
wkalivas@scnlaw.com
Attorneys for the Plaintiff

May 31, 2022
Charleston, South Carolina
21-280

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT CAROLYN TOLBERT SMITH

TO: MALENA A. DINWOODIE, ESQUIRE, ATTORNEY FOR DEFENDANT CAROLYN TOLBERT SMITH:

which Aunt "K" one?

The Plaintiff, pursuant to Rule 33, SCRCP, hereby requires the Defendant to answer the following Interrogatories and serve a copy of the answers thereto upon William K. Kalivas, attorney for the Defendants at his office of Smith | Closser, P.A., 7455 Cross County Road, Suite 1, P.O. Box 40578, Charleston, South Carolina, 29423-0578, within thirty (30) days after service thereof.

In responding to these Interrogatories, furnish such information as is available to you, not merely such information as is of your own knowledge. This means you are to furnish information which is known by, or in the possession of, any of your subsidiaries, officers, employees, representatives, agents and unless privileged, attorneys.

In order to simplify the issues and resolve as many matters of fact as possible before trial, it is further requested that if you cannot respond fully to any of these Interrogatories or portions thereof, you will respond to the extent possible and state your reasons for not responding more fully. If you assert a claim of privilege concerning the subject matter of any of these Interrogatories, state clearly and in detail the nature of the privilege and the factual basis thereof. A response to one Interrogatory or a party hereof may be incorporated by reference in a response to another Interrogatory or a part thereof.

DEFINITIONS:

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- "[Y]ou" and forms thereof, unless otherwise indicated, means Defendant Carolyn Tolbert-Smith and the attorney and firm to whom these interrogatories are addressed.
- "Defendant", unless other indicated, means Defendant Carolyn Tolbert-Smith.
- "Plaintiff", unless otherwise indicated, means this Plaintiff, Keith L. Tolbert.
- "Property", unless otherwise indicated, means the collective properties at issue in the Complaint.
- "[I]dentify" with regard to a person, means: provide full name; last known address; position at time referred to in Interrogatories; date of birth (or age at time referred to); and state whether or not such a person is represented by counsel for purposes of this litigation, and if so, by whom.
- "[D]ocument" includes, but is not limited to, writings, drawings, graphs, charts, tape, recordings, and every other type of data compilation, including all forms of computer (or other machine) storage and retrieval, and any other written, graphic, pictorial, electronic, or other material, whether or not in your possession, custody or control, or that of your agents, employees or attorneys.
- "[I]dentify" with regard to documents means: provide name and title of documents; date, author or recipient (or addressee) of documents; location and identity of custodian of documents; summary of contents of document sufficient to identify it for purposes of a subpoena *duces tecum*. In lieu of identifying a document, you may, at your option, attach the document to the responses to these Interrogatories.
- Single words wherever used include the plural, and vice versa.
- Any reference to one gender includes the other where applicable.

INTERROGATORIES

1. Give the names and addresses of persons known to you or your counsel to be witnesses concerning the facts of this case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

See, please, responses already submitted; See affidavits herein.

2. Set forth a list of photographs, plats, sketches or other prepared documents in you or your attorney's possession that relate to the claim or defense in this case.

Supplemental photos to be developed and made available

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy. State Farm Insurance.

4. List the names and addresses of any expert witnesses whom you or your attorney proposes to use as a witness at the trial of the case. Torrance, Ane', Lyndon, Warry, neighbor, friends

Unfortunately Counsel did not use Defendant C Tolbert Smith's now anyone named above herein. CJJ

Copy Cover & more

5. For each person known to you or your counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses. China, Brej' Jackie Jeremy in addition to those heretofore listed. members that submitted Affidavits

6. Set forth an itemized list of any improvements made to the Property by you, or at your request, since 2015, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by you in making such improvement, if any. Please see marginal notes on interrogatories per Betty Jean T Jones herein (w) on interrogatory

Roof replacement; ground build up; New HVAC APS; new toilets and faucets; Trees trimmed yard care regularly; wall shelf fixtures in three rooms; new door locks shed installed. Exterior painting whole house

7. Set forth an itemized list of any repairs made to the Property by you, or at your request, since 2015, including the approximate date the repair was made, a description of the repair, and the cost incurred by you in making such repair, if any. See please marginal notes here upon

8. Describe in detail any and all contributions you have made to the routine maintenance of the Property since 2015, including a description, approximate dates made, and any cost incurred by you in said maintenance. Lawn Care, beautification interior and exterior Care of plants added pot plant

9. Set forth a list of the dates and amounts of payments made by you toward the property taxes and/or insurance premiums related to the Property. All taxes & pd. 2003-~~20~~ 21 2022

10. Set forth a list of any other pecuniary contributions made by you related to the Property since 2015, including dates, amounts, and descriptions of the contributions made. In and about 2012-2015 Kitchen Updates; 2 window air-conditioners

11. Set forth an itemized statement of damages for each and every separate claim alleged by you. For each element of damages provide the information or calculation relied upon to produce said amounts. For any summary, accounting, or calculation provide the identity of the person(s) who rounded provided the information or performed the accounting or calculations and the information, documents, or formula used. Defendant's deprivation of sleep, rest and environment left both the losses experienced by Defendant's Sons pulled away from ~~their~~ College studies to assist Extreme damage to my Children, taking the place of my Sibblings or grandchildren ~~2 of them had to~~ leave College to assist me with their grandparents' care. I needed to work full time to add sufficient to our family to meet medical needs. Assisted Living calculation Cost saved by providing for our parents at home Comfort and pleasure of receiving top notch care in familiar surroundings. Clock care for beloved grandparents. Robert Smith provided the best for Fred Helen our dear to grandparents' ages

12. Please identify any and all time periods that you resided at the Property, including your age at the time and length of residency. 1960-61 / 1985-87 / 1995-2023

Age 23 / Age 28-50 / Age 58-85

I am a health care, Family Burden Bearer.

1960-61; 1985-87 1995-present 2023 one

13. Describe any pecuniary contributions made by any of the other Defendants toward the Property that you are aware of, which may include, but is not necessarily limited to improvements, maintenance, repairs, taxes, insurance, etc. None at all never an offer to contribute, cpt

14. State the specific legal and factual basis for your Adverse Possession counterclaim, and specifically the legal and factual basis for the allegations contained in Paragraph 40 of your Answer and Counterclaim. Defendant has possessed the subject property for 27 yrs. beginning in 1995 when Defendant moved from

15. Provide addresses for any and all real properties owned by you, regardless of location, and identify the primary use of each (i.e., primary residence, rental property, etc.). None is used at all,

16. Identify any addresses where you have resided for a period of longer than 48 hours since 2003. Always live resided at the subject address 338 Fifth Ave. Mt Pleasant, SC 29464 *1995-2023*

17. Besides this lawsuit, please identify any other litigation in which you have been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter. Please see interrogatory per Betty Jean T. Jones

18. Other than your attorney and/or her staff, identify all individuals or entities with whom you have communicated with regarding the Property and/or allegations contained in the Complaint. State the dates and describe the substance of such communications. Between 2020-22 family nam

NO 19. Have you, or anyone at your request and/or on your behalf, taken out any mortgage against the Property, or encumbered the Property in anyway, including but not limited to liens and lines of credit? If so, please provide the dates that such encumbrance was recorded against the Property and for what amount. Not anyone.

20. Has the Property been damaged during your time residing on the Property? If so, please provide the dates of such damage and any resulting repairs or remedial work performed. Fences have been damaged by Xylon and SCEG Tree Cutters and by Hurricane Ia

21. State with particularity the reasons why there was a delay in the filing and settlement of the Estate of Helen G. Tolbert, to include the recording of the relevant Deed of Distribution at issue in this case. Attorney Sara Jo Tolbert assured me that mother, the decedent said to her that Appellant could, with her family reside here as long as we wanted to. So we have done so and still want to live here

22. Identify any rent payments made by you or to you related to the Property. In answering this Interrogatory, please identify by name and contact information the individual and/or entity making or receiving the rent payments. This is private property not a rental in any way. One earns the right to live here and to be paid by wise.

23. State with particularity any attempts, proposals and/or offers to make any rent payments to the heirs to the Property while you have resided thereon. See interrogatories. heirs who gave nothing. Other heirs gave nothing. But now they are demanding all.

SMITH | CLOSSER, P.A.

William K. Kalivas- SC Bar No. 80201
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
(843) 552-2678 facsimile
wkalivas@scnlaw.com
Attorneys for the Plaintiff

May 31, 2022
Charleston, South Carolina
21-280

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert, Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	)	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 DEFENDANT CHARLES TOLBERT'S FIRST SET OF REQUESTS FOR ADMISSION TO DEFENDANT CAROLYN TOLBERT SMITH

TO: MALENA A. DINWOODIE, ESQ., ATTORNEY FOR DEFENDANT CAROLYN TOLBERT-SMITH;

What you learned from the T. vie, Amit is useless. Change!

Late response

Charles Tolbert, individually and as Personal Representative of the Estate of Charla Tolbert McMillian, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that the Carolyn Tolbert Smith, within thirty (30) days after service hereof, answer in writing each of the Requests for Admission set forth below. Kindly observe the blatantly erroneous accusations by Jono practicing wicked law. Cpl

DEFINITIONS AND INSTRUCTIONS

A. The terms "you" and "your" mean the party responding to these Requests to Admit, and the party's agents, employees, attorneys, and all other persons who have acted on the party's behalf.

B. The terms "person" or "persons" mean any natural person, firm, proprietorship, partnership, joint venture, corporation, association, or other business entity, and all present and former officers, directors, agents, employees, and others acting for or purporting to act on behalf of such natural person, firm, proprietorship, partnership, joint venture, corporation, association, or other business entity with respect to the matter referred to in the interrogatory and the answer thereto.

C. The term "document" is used in its broadest sense and includes graphic matter of any kind or nature, whether written, printed, typed, recorded, filmed, transcribed, taped, produced, or reproduced by any means as well as all other items identified as documents under Rule

COPY

34. The term "document" is further defined to mean the original, any drafts, and any non-identical copies (i.e., those bearing notations or marks not found on the original. In all cases where an original document is unavailable, "document" shall also mean a copy thereof.

D. The term "Property" shall mean the real property which is the subject matter of the above-entitled action and which is more fully described in the Consent Order to Quiet Title filed on August 15, 2022.

E. If any of these requests are ambiguous, state the reason that you believe it to be ambiguous.

REQUESTS FOR ADMISSION

1. NO Admit that you have not been in exclusive possession of the Property for a period of twenty (20) years. rather it has been 28 yrs. that I have resided at subject residence.

2. NO Admit that you did not file a creditor's claim against the Estate of Fred William Tolbert (Charleston County Probate File No. 2001ES10-01196) for the time or money spent caring for Fred William Tolbert. Irrelevant.

3. NO, I do not admit this Admit that you did not file a creditor's claim against the Estate of Helen Alice Grant Tolbert (Charleston County Probate File No. 2010ES10-01356) for time or money spent caring for Helen Alice Grant Tolbert. My attorney can answer inquiry no. 3 and no 2

4. Subversive Admit that your use and occupation of the Property has at all times been allowed/permitted by the other parties to this action, namely Keith L. Tolbert, Charles Tolbert, Charla Tolbert McMillian, Betty Jean Tolbert Jones, and Sara Jo Tolbert Latten. absolutely not, My mother gave this well deserved right. CGS absolutely not. It's elementary. Nonsense they had no permit nor to allow. Said pro property belongs to Fred Helen & Carolyn V. P.A. CGS

NO. 4 Said parties had no power to permit nor to allow. Said pro property belongs to Fred Helen & Carolyn V. P.A. CGS

No. 5 Error. did not sign any corrective deed, you did, Hampting to block my Counter Claim seeing no other way to prevail, seeing that Defendant, Carolyn T. Smith/Plaintiff, Carolyn T. Smith would prevail in Case No. 2021 CP-10 0405. CGS

5. NO Admit that you signed the Corrective Deed of Distribution dated January 17, 2013, and recorded on January 25, 2013 in the ROD Office for Charleston County in Book 0306, Page 283 listing the grantees/owners of 338 5th Avenue, Mt. Pleasant, South Carolina as Carolyn Tolbert Smith (20% interest), Blanton William Tolbert (20% interest), Dr. Betty Jean Tolbert Jones (20% True Ohno, you respondents did so do. Admit it

Admit that you contrived the actions for some Correcting Deeds that would help you prevail with the arbitrary sixth element to be satisfied, according to the Circuit Court, SC requires only five elements be satisfied. CGS

interest), Sara Jo Tolbert Latten (20% interest), Charles Tolbert (10% interest), and Charla Tolbert McMillian (10% interest). Baseless. Carolyn T. Smith would never distribute as you do herein above. CJH

No. 6 absolutely not. I, Defendant Carolyn T. with vehemently vociferously disagreed with an equal Distribution. Such a distribution would allow some of the least worthy, greedy financially heirs to shamefully enjoy that ~~[illegible]~~ gift for the worthy, selfless posterity,

6. Admit that you signed the Deed of Distribution dated September 26, 2011 and recorded on September 29, 2011 in the ROD Office for Charleston County in Book 0209, Page 303 listing the grantees/owners of the lot located on the corner of 5th Avenue and 6th Street, Mt. Pleasant, South Carolina as Carolyn Tolbert Smith, Blanton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, Charles Tolbert, and Charla McMillian.

LAFOND LAW GROUP, PA

Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, SC 29407
843.762.3554
843.377.0111 (fax)
andrews@lafondlaw.com
Attorney for Charles Tolbert

you admit that Defendant is not herein involved to admit anything. Check your legal skills. CJH

Charleston, South Carolina
August 16, 2022

Certificate of Service

I certify that on this 16th day of August, 2022 the foregoing was served on Malena A. Dinwoodie, attorney for Carolyn Tolbert Smith, via Federal Express, and addressed as follows:

Finkel Law Firm LLC
Attn: Melena A. Dinwoodie, Esq.
4000 Faber Place Drive, Suite 450
N. Charleston, SC 29405
843.577.5460

Malena Dinwoodie

From: Daniel R Wilson <daniel.r.wilson.jefr@statefarm.com>
Sent: Friday, November 18, 2022 2:23 PM
To: Malena Dinwoodie
Subject: File# 91308.56985 Carolyn Tolbert-Smith
Attachments: 11-14-22 Homeowners Policy.pdf; 11-14-22 SFPP Document.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from daniel.r.wilson.jefr@statefarm.com. Learn why this is important

See attached. Our pay plan records only go back 2 years so I included the original policy that was paid in full. Carolyn's policy was started 08/06/2020. The payment received on 02/02/2021 was the second half payment paid of the original balance due. The payments received from Carolyn to State Farm total $7,523.86 since the policy was started.

Thanks

Daniel

StateFarm
Providing Insurance and Financial Services
Daniel Wilson, Sales Manager
Billy Swails State Farm Insurance
1047 Johnnie Dodds Blvd
Mt Pleasant SC 29464
Bus 843-884-5149 Fax 843-881-0091
Daniel@billyswails.com
www.billyswails.com
Providing Insurance and Financial Services
How much Life insurance do you need?....Life Needs Calculator

State Farm Fire and Casualty Company
A Stock Company With Home Offices in Bloomington, Illinois

Po Box 88049
Atlanta GA 30356-9901

StateFarm

AT3 H-27-1460-FB3A F H W
3201

SMITH, CAROLYN
338 5TH AVE
MT PLEASANT SC 29464-2708

DECLARATIONS

AMOUNT DUE: **None**
Payment is due by BILLED THRU SFPP

Policy Number: 40-CN-R395-9

Policy Period: 12 Months
Effective Dates: AUG 6 2020 to AUG 6 2021
The policy period begins and ends at 12:01 am standard time at the residence premises.

ST-5B
0209-G010

HOMEOWNERS POLICY

Location of Residence Premises
338 5TH AVE
MT PLEASANT SC 29464-2708

Your State Farm Agent
BILLY SWAILS
1047 JOHNNIE DODDS BLVD
MT PLEASANT SC 29464-3155

Phone: (843) 884-5149

Construction: Masonry Veneer
Year Built: 1969

Roof Material: Composition Shingle
Roof Installation Year: 2008

Automatic Renewal
If the **POLICY PERIOD** is shown as **12 MONTHS**, this policy will be renewed automatically subject to the premiums, rules, and forms in effect for each succeeding policy period. If this policy is terminated, we will give you and the Mortgagee/Lienholder written notice in compliance with the policy provisions or as required by law.

IMPORTANT MESSAGES

COUNTY: CHARLESTON Zone: 28
THIS POLICY CONTAINS A SEPARATE DEDUCTIBLE FOR NAMED STORM OR WIND/HAIL LOSSES, WHICH MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU. THE ENCLOSED EXAMPLE ILLUSTRATES HOW THE DEDUCTIBLE MIGHT AFFECT YOU.

PREMIUM

Annual Premium	$ 2,785.00
Your premium has already been adjusted by the following:	
Home Alert	
Home/Auto	
Claim Record	
Total Premium	**$ 2,785.00**

Prepared AUG 24 2020
HO-2000
004056 160 I
N 1S,5W,Z0,H0,HE,8O

Carolyn Tolbert-Smith_00386

StateFarm

NAMED INSURED	MORTGAGEE AND ADDITIONAL INTERESTS
SMITH, CAROLYN	

SECTION I - PROPERTY COVERAGES AND LIMITS

Coverage	Limit of Liability
A Dwelling	$ 390,000
Other Structures	$ 39,000
B Personal Property	$ 292,500
C Loss of Use	$ 117,000
Additional Coverages	
Arson Reward	$1,000
Credit Card, Bank Fund Transfer Card, Forgery, and Counterfeit Money	$1,000
Debris Removal	Additional 5% available/$1,000 tree debris
Fire Department Service Charge	$500 per occurrence
Fuel Oil Release	$10,000
Locks and Remote Devices	$1,000
Trees, Shrubs, and Landscaping	5% of Coverage A amount/$750 per item

SECTION II - LIABILITY COVERAGES AND LIMITS

Coverage	Limit of Liability
L Personal Liability (Each Occurrence)	$ 300,000
Damage to the Property of Others	$ 1,000
M Medical Payments to Others (Each Person)	$ 5,000

INFLATION

Inflation Coverage Index: 270.2

DEDUCTIBLES

	Deductible Amount
Section I Deductible	$ 3,900
Other Losses 1 %	$ 7,800
Hurricane Duration 2%	

LOSS SETTLEMENT PROVISIONS

A1 Replacement Cost - Similar Construction
B1 Limited Replacement Cost - Coverage B

AUG 24 2020

Carolyn Tolbert-Smith_00387

StateFarm

FORMS, OPTIONS, AND ENDORSEMENTS

HW-2140	Homeowners Policy
HO-2444	Back-Up Of Sewer Or Drain - 10% of Coverage A/$ 39,000
HO-2450	Hurricane Duration Deductible
HO-2696	Hurricane Deductible Info Msg
Option JF	Jewelry and Furs $1,500 Each Article/$2,500 Aggregate
Option ID	Increase Dwlg Up to $ 78,000
Option OL	Ordinance/Law 10%/$ 39,000

ADDITIONAL MESSAGES

State Farm® works hard to offer you the best combination of price, service, and protection. The amount you pay for homeowners insurance is determined by many factors such as the coverages you have, the type of construction, the likelihood of future claims, and information from consumers reports.

Other limits and exclusions may apply - refer to your policy

Your policy consists of these Declarations, the Homeowners Policy shown above, and any other forms and endorsements that apply, including those shown above as well as those issued subsequent to the issuance of this policy.

This policy is issued by the State Farm Fire and Casualty Company.

Participating Policy

You are entitled to participate in a distribution of the earnings of the company as determined by our Board of Directors in accordance with the Company's Articles of Incorporation, as amended.

In Witness Whereof, the State Farm Fire and Casualty Company has caused this policy to be signed by its President and Secretary at Bloomington, Illinois.

Lynne M. Yousell
Secretary

Michael T. Tipton
President

Blanton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, Charlie McMillian, Charles Leon McMillian.

their heirs and assigns forever.

IN WITNESS WHERE OF the undersigned as Personal Representative of the estate of the decedent has executed this Deed, on this 17th day of January, 2013. 2011 only below my signature was transferred or forged. CGS

? NB

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF

Estate of: Helen Alice Grant Tolbert

by Signature: Carolyn Tolbert Smith D.E.C

Witness:

Witness:

A forgerie

Tell where this took place. CGS

STATE OF SOUTH CAROLINA) **PROBATE**

COUNTY OF CHARLESTON)

PERSONALLY appeared before me and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with witnessed the execution thereof.

SWORN to before me this 17th day of January, 2013

Witness Signature:

Notary Public for South Carolina

My Commission Expires: 1-31-2018

BELOW, PLEASE SPECIFY THE EXACT NAME AND ADDRESS OF THE PERSON(S) TO WHOM TAX BILL SHALL BE SENT:

Mrs. Carolyn Tolbert Smith
338 5th Street
Mt. Pleasant, SC 29464

FORM #400PC (1/89)

RMC Bk 0306 Pg 283 : pg 2 *

Sight St. 6th St.

BP0933418 #PGS: 3

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
IN THE MATTER OF:)
BLANTON WILLIAM TOLBERT)
(Decedent))

IN THE PROBATE COURT
RE-RECORDED*
DEED OF DISTRIBUTION
(Real Property Only)
NOT A WARRANTY DEED

They did it. I never signed nor agree to Sandi. cps

CASE NUMBER: 2015-ES-08-907-3

BP1002233 #PGS: 5

The undersigned states as follows:

Decedent died on 06/22/2015; and probate of the Estate is being administered in the Probate Court for BERKELEY County, South Carolina, in File # 2015-ES-08-907-3; WITH AN ANCILLARY ADMINISTRATION IN CHARLESTON COUNTY PROBATE COURT IN FILE # 2017-ES-10-01149-2.

I/We was/were appointed Personal Representative (s) on August 31, 2020.

Decedent owned real property described as follows:

Tax Map Number: 514-11-00-064

Street/Property Address: 0 6TH STREET, MOUNT PLEASANT, SC 29464

New Distribution by IK Law, See below review. cps

Legal Description: **DECEDENT'S** Twenty percent (20%) **INTEREST** IN ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SCANLONVILLE, WHICH IS A PORTION OF A TRACT OF LAND KNOWN AS REMLEY'S POINT, IN WHAT WAS FORMERLY CHRIST CHURCH PARISH, CHARLESTON COUNTY, SOUTH CAROLINA, NOW KNOW AS MOULTRIE SCHOOL DISTRICT NO. 2, AND SHOWN AND DESIGNATED ON A PLAT MADE BY JOHN A. MICHAEL, SURVEYOR, FEBRUARY 14, 1870, AND REVISED DECEMBER 1894 BY H.S. LAMBLE, CIVIL ENGINEER, WHICH PLAT WAS RECORDED IN THE R.M.C OFFICE FOR CHARLESTON CO9UNTY ON NOVEMBER 3, 1899 IN PLAT BOOK D, PAGE 180 AS SMALL BLACK NUMBERS LOT 327.

BEING THE SAME INTEREST IN THE PREMISES CONVEYED TO BLANTON WILLIAM TOLBERT BY DEED OF DISTRIBUTION DATED SEPTEMBER 26, 2011 AND RECORDED ON SEPTEMBER 28, 2011 IN THE R.M.C FOR CHARLESTON COUNTY IN BOOK 0209 AT PAGE 303.

☐ Additional sheet(s) for additional property(ies) is attached (check if applicable)

This transfer is made pursuant to:

☐ Decedent's Will
☒ Intestacy Statute: SCPC 62-2-103
☐ Private Family Agreement: SCPC 62-3-912
☐ Disclaimer by: _____
☐ Probate Court Order issued on _____
☐ Other: _____

*Re-recorded to correctly reflect the ownership interest, XXX full interests of the property attached hereto as Exhibit "A" for reference

IKON LAW, LLC
3404 Salterbeck St., Ste 204
Mt. Pleasant, SC 29466

Copy over 1 more

Charles Leon McMillian A.K.A. Charles Tolbert

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 DEFENANT'S ANSWERS TO Charles DEFENDANT CAROLYN TOLBERT-SMITH'S FIRST SET OF INTERROGATORIES

TO: MALENA A. DINWOODIE, ESQ., ATTORNEY FOR DEFENDANT CAROLYN TOLBERT-SMITH:

Defendants Charles Tolbert and Charles Tolbert as Personal Representative of the Estate of Charla Tolbert McMillian, by and through their undersigned counsel, hereby submit answers to Defendant Carolyn Tolbert-Smith's First Set of Interrogatories as follows: Where is my niece Charlot?? Solve this mystery, please. CP

ANSWERS TO DEFENDANT CAROLYN TOLBERT-SMITHS'S FIRST SET OF INTERROGATORIES

1. Give the names and addresses of persons known to Defendant or Defendant's counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses as well as who has possession of such statements.

Answer:

Charles Tolbert, Esq.
c/o Ashley G. Andrews, Esq.
LaFond Law Group, PA
544 Savannah Highway
Charleston, SC 29407

Keith Tolbert
c/o William K. Kalivas, Esq.
Smith | Closser, PA
PO Box 40578
Charleston, SC 29423-0578

Charles + Charla

Answer: None.

5. Set forth an itemized list of any improvements made to the Property by Defendant since 2000, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by Defendant in making such improvement, if any.

Answer: None. ever

6. Set forth an itemized list of any repairs made to the Property by Defendant since 2000, including the approximate date the repair was made, a description of the repair, and the cost incurred by Defendant in making such repair, if any.

Answer: None. ever

7. Describe in detail any and all contributions Defendant has made to the routine maintenance of the Property since 2000, including a description, approximate dates made, and any cost incurred by Defendant in said maintenance.

Answer: None. ever

8. Set forth a list of the dates and amounts of payments made by Defendant toward the property taxes and/or insurance premiums related to the Property.

Answer: None. ever

9. Set forth a list of any other pecuniary contributions made by Defendant related to the Property since 2000, including dates, amounts, and descriptions of the contributions made.

Answer: None. ever

10. Please identify any time periods that Defendant resided at the Property, including his age at the time and length of residency.

So with no contributions herein you'd be described as a freeloader 1 uh?

Answer: The Property has never been Defendant's primary residence. True

11. Identify any times that Defendant has visited the Property over the past twenty years, including approximate dates, length of stay, and purpose of visit. Twice each time

Answer: for the funerals of Fred 2000 and Helen 2003. Charles also came with Anna to check on my plan to include him in a share of the inheritance

a) December 31, 2003, family visit following Helen Tolbert's funeral, approximately five hours

Recently?

b) July 2008, family visit, approximately 2 hours, why? Charles came to inquire about his interest in the land

c) June 2015, family visit following Blanton Tolbert's funeral, approximately one hour

d) Brief visits over the last twenty years, exact dates unknown, family visits and attempts to obtain copies of family photographs and other heirlooms, each visit approximately an hour.

Charles looked at Helen's did not speak to her embrace her

Defendant stopped by just before 2003 to ask Aunt Kay about my intentions per my sharing per the subject property

looks good

12. Provide addresses for any real property owned by Defendant, regardless of location, and identify the primary use for each (i.e., primary residence, rental property, etc.).

Answer:

a) A 10% interest in the subject Property, inherited property or less what's fair
b) A 10% interest in the subject Property to be conveyed to Charles Tolbert from the Estate of Charla Tolbert McMillian, inherited property or less
c) 237 Mulberry Road, Ramsey, NJ 07446, primary residence
d) 1927 Lorick Avenue, Columbia, SC 29203, childhood home which is currently a rental property Also Turnpike Hwy, Mahwah, NJ. Apt 259?

Charles omitted later address 115 Franklin Turnpike Apt 259 is this not a Condominium Where Known

13. Besides this lawsuit, please identify any other litigation in which Defendant has been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter.

Answer:

a) Sarah Tolbert Latten vs. Betty Jean Jones, et al., 2018-CP-10-02242, Charleston County, South Carolina, dismissed on June 21, 2019
b) Defendant is an attorney and has been involved in numerous matters as legal counsel in Federal Court Name and proove said involment. Tell how

14. Identify all individuals or entities with whom Defendant has communicated with regarding the Property and/or allegations contained in Defendant's Answer. State the dates and describe the substance of such communications.

Answer: Defendant objects to Interrogatory No. 14 as the question is overly broad. Without waiving said objection, Defendant has communicated with the individuals listed as witnesses in Interrogatory No. 1, as well as Sarah Jo Tolbert Latten, Carla Tolbert McMillian, and Ave Smith. The subject of the communications was ownership of the subject Property and the Estates of Fred and Helen Tolbert.

Charla

just after a Conf call per distribution therein Charla disappears ?

Ans. is not true, Charles Spoke to Appellant as owner Sole owner of the subject property with which Charles has no involvement. Running scared of my not including him in the distribution as Charles wished. He wants a full share in the matter and ignores "Get your FAIR Share and you "Reap what you Sow." Where is she?

Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, SC 29407
843.762.3554
andrews@lafondlaw.com
Attorney for Charles Tolbert
Attorney for Charles Tolbert, Personal Representative for Estate of Charla Tolbert McMillian

Charleston, South Carolina
May 19, 2022

Certificate of Mailing

I certify that on this 19th day of May, 2022 the foregoing was served by United States Mail, postage prepaid and addressed as follows:

Malena A. Dinwoodie, Esq.
Finkel Law Firm, LLC
4000 Faber Place Drive, Suite 450
N. Charleston, SC 29405

With electronic copy to:

William K. Kalivas, Esq.
Smith | Closser, PA
wkalivas@scnlaw.com

Betty Jean Tolbert Jones
bettyjeantolbertjones@yahoo.com

Ashley G. Andrews

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 PLAINTIFF'S RESPONSE TO DEFENDANT CAROLYN TOLBERT SMITH'S FIRST SET OF INTERROGATORIES

TO: MALENA A. DINWOODIE, ESQUIRE, ATTORNEY FOR DEFENDANT CAROLYN TOLBERT SMITH:

INTERROGATORIES

1. Give the names and addresses of persons known to Plaintiff or Plaintiff's counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses as well as who has possession of such statements.

RESPONSE:

- Keith Tolbert – Estranged
  c/o Smith Closser, PA
  7455 Cross County Road, Suite One
  Charleston, SC 29423
  No written or recorded statements; is an heir and has firsthand knowledge of the facts and circumstances alleged in the Complaint and surrounding the properties at issue therein, to include the deed of distribution and the last will and testament of Helen G. Tolbert.

- Carolyn Tolbert Smith
  c/o Finkel Law Firm, LLC
  4000 Faber Place Drive, Suite 450
  North Charleston, SC 29405
  No written or recorded statements; is an heir and has firsthand knowledge of the facts and circumstances alleged in the Complaint and surrounding the properties at issue therein, to include the deed of distribution and the last will and testament of Helen G. Tolbert.

- Charles Tolbert, Esq.

(Keith)

RESPONSE: None ever at this time, but Plaintiff reserves the right to retain an expert and will supplement this response accordingly.

None 5. Set forth an itemized list of any improvements made to the Property by Plaintiff since 2015, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by Plaintiff in making such improvement, if any.

Never **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None ever 6. Set forth an itemized list of any repairs made to the Property by Plaintiff since 2015, including the approximate date the repair was made, a description of the repair, and the cost incurred by Plaintiff in making such repair, if any.

Never **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None 7. Describe in detail any and all contributions Plaintiff has made to the routine maintenance of the Property since 2015, including a description, approximate dates made, and any cost incurred by Plaintiff in said maintenance.

Never **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None ever 8. Set forth a list of the dates and amounts of payments made by Plaintiff toward the property taxes and/or insurance premiums related to the Property.

Not ever **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None 9. Set forth a list of any other pecuniary contributions made by Plaintiff related to the Property since 2015, including dates, amounts, and descriptions of the contributions made.

There is none **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

10. Please identify any time periods that Plaintiff resided at the Property, including his age at the time and length of residency.

Never in his life time.

RESPONSE: Plaintiff spent (visited) one night at the residence in October of 2014 after visiting his father, Blanton W. Tolbert, in the hospital. Plaintiff stayed at a hotel with his family or with his children.

11. Identify any times that Plaintiff has visited the Property over the past twenty years, including approximate dates, length of stay, and purpose of the visit. He visited for his grandfather funeral to line up for the funeral. Keith refused to honor his grandmother funeral. But is now 1st in line to grab her financial re-sources! How sour! How shameful!

RESPONSE: Please see Plaintiff's response to Interrogatory No. 10. Above = 1

12. Describe any pecuniary contributions made by Blanton William Tolbert toward the Property during the period of 2000-2015 that Plaintiff is aware of, which may include, but is not necessarily limited to improvements, maintenance, repairs, taxes, insurance, etc.

None

RESPONSE: Plaintiff is not aware of any pecuniary contributions made by Blanton William Tolbert during the period of 2000-2015.

None except Defendant pd. him $100.00 per wk to sit (w) Ma' + Pa' for a while 1998 – 2000 paid 100.00 for 3-4 wks to sit with parents.

13. Provide addresses for any and all real properties owned by Plaintiff, regardless of location, and identify the primary use of each (i.e., primary residence, rental property, etc.). Covington, GA

RESPONSE: The only real property owned by Plaintiff is his primary residence located at:

52 Windcrest Dr
Covington, GA 30016-1299

& Augusta, GA? & Stone Mountain, GA? Grand mother's & mally

None in Augusta from grandma' or mom?
None in the area of Stone Mountain?

14. Besides this lawsuit, please identify any other litigation in which Plaintiff has been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter.

RESPONSE: None

15. Other than Plaintiff's attorney and/or his staff, identify all individuals or entities with whom Plaintiff has communicated with regarding the Property and/or allegations contained in the Complaint. State the dates and describe the substance of such communications. & Ma', aunt, other? Plaintiff's

RESPONSE: Please see Plaintiff's response to Interrogatory No. 1 for a list of all individuals not mentioned below who Plaintiff has communicated with, or been contacted by, regarding the Property and/or allegations contained in the Complaint. All communication between the heirs relevant to this request has been ongoing since 2020, as evidenced by the discovery documents produced by Plaintiff bates-labeled KT031, KT032, KT037 and KT038. In addition to the individuals identified in response to Interrogatory No. 1, Plaintiff has communicated with the below individuals:

omitted me, Aunt Kay, when his contacts were by E-mail

- Lisa C. Tolbert: Plaintiff's spouse. They have discussed general information and the status of case at various dates and times since 2020.
- Fredericka S. Tolbert: Plaintiff's mother. They have discussed general information and the status of case at various dates and times since 2020.
- Jessica Wentworth Grassi, Esq.: represented Plaintiff in probating my father's estate. Extensive knowledge of the details concerning the current litigation based on her review from handling the Estate of Blanton William Tolbert. No per sum know which not
- Michael Leach: Plaintiff's pastor. They have discussed general information and the status of case at various dates and times since 2020.

SMITH | CLOSSER, P.A.

William K. Kalivas- SC Bar No. 80201
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
(843) 552-2678 facsimile
wkalivas@scnlaw.com
Attorneys for the Plaintiff

May 10, 2022
Charleston, South Carolina
21-280

copy for 1 more

Charles Leon

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 DEFENANT'S ANSWERS TO Charles DEFENDANT CAROLYN TOLBERT-SMITH'S FIRST SET OF INTERROGATORIES

TO: MALENA A. DINWOODIE, ESQ., ATTORNEY FOR DEFENDANT CAROLYN TOLBERT-SMITH:

Defendants Charles Tolbert and Charles Tolbert as Personal Representative of the Estate of Charla Tolbert McMillian, by and through their undersigned counsel, hereby submit answers to Defendant Carolyn Tolbert-Smith's First Set of Interrogatories as follows: Where is my neice Charla? Solve this mystery, please. cp

ANSWERS TO DEFENDANT CAROLYN TOLBERT-SMITHS'S FIRST SET OF INTERROGATORIES

1. Give the names and addresses of persons known to Defendant or Defendant's counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses as well as who has possession of such statements.

Answer:

Charles Tolbert, Esq.
c/o Ashley G. Andrews, Esq.
LaFond Law Group, PA
544 Savannah Highway
Charleston, SC 29407

Keith Tolbert
c/o William K. Kalivas, Esq.
Smith | Closser, PA
PO Box 40578
Charleston, SC 29423-0578

Charles + Charla

Answer: None.

5. Set forth an itemized list of any improvements made to the Property by Defendant since 2000, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by Defendant in making such improvement, if any.

Answer: None. ever

6. Set forth an itemized list of any repairs made to the Property by Defendant since 2000, including the approximate date the repair was made, a description of the repair, and the cost incurred by Defendant in making such repair, if any.

Answer: None. ever

7. Describe in detail any and all contributions Defendant has made to the routine maintenance of the Property since 2000, including a description, approximate dates made, and any cost incurred by Defendant in said maintenance.

Answer: None. ever

8. Set forth a list of the dates and amounts of payments made by Defendant toward the property taxes and/or insurance premiums related to the Property.

Answer: None. ever

9. Set forth a list of any other pecuniary contributions made by Defendant related to the Property since 2000, including dates, amounts, and descriptions of the contributions made.

Answer: None ever

10. Please identify any time periods that Defendant resided at the Property, including his age at the time and length of residency.

So, with no contributions how can you be described as a freeloader? wh?

Answer: The Property has never been Defendant's primary residence. True

11. Identify any times that Defendant has visited the Property over the past twenty years, including approximate dates, length of stay, and purpose of visit. Twice each time

Answer: for the funerals of Fred 2000 and Helen 2003. Charlie also came with Anna to check on my plan to include him in a share of the inheritance before my ~~death~~ the died

a) December 31, 2003, family visit following Helen Tolbert's funeral, approximately five hours

Rarely?

b) July 2008, family visit, approximately 2 hours. why? Charles came to inquire about his interest in the land

c) June 2015, family visit following Blanton Tolbert's funeral, approximately one hour

d) Brief visits over the last twenty years, exact dates unknown, family visits and attempts to obtain copies of family photographs and other heirlooms, each visit approximately an hour.

Charles looked at Helen's did not speak to her embrace her

Defendant stopped by just before 2003 to ask Aunt Kay about my intentions per my sharing per the subject property. He was told yes. He did not speak to Grandma just said "she looks good"

12. Provide addresses for any real property owned by Defendant, regardless of location, and identify the primary use for each (i.e., primary residence, rental property, etc.).

Answer:

a) A 10% interest in the subject Property, inherited property or less what's fair
b) A 10% interest in the subject Property to be conveyed to Charles Tolbert from the Estate of Charla Tolbert McMillian, inherited property or less
c) 237 Mulberry Road, Ramsey, NJ 07446, primary residence
d) 1927 Lorick Avenue, Columbia, SC 29203, childhood home which is currently a rental property Also Turnpike Hwy. Mahwah, NJ. Apt 259?

Charles omitted later address 115 Franklin Turnpike Apt 259 is this not a Condominium? Where Rmour?

13. Besides this lawsuit, please identify any other litigation in which Defendant has been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter.

Answer:

a) Sarah Tolbert Latten vs. Betty Jean Jones, et al., 2018-CP-10-02242, Charleston County, South Carolina, dismissed on June 21, 2019
b) Defendant is an attorney and has been involved in numerous matters as legal counsel in Federal Court Name and proove said involment. Tell how

14. Identify all individuals or entities with whom Defendant has communicated with regarding the Property and/or allegations contained in Defendant's Answer. State the dates and describe the substance of such communications.

Answer: Defendant objects to Interrogatory No. 14 as the question is overly broad. Without waiving said objection, Defendant has communicated with the individuals listed as witnesses in Interrogatory No. 1, as well as Sarah Jo Tolbert Latten, Carla Tolbert McMillian, and Ave Smith. The subject of the communications was ownership of the subject Property and the Estates of Fred and Helen Tolbert.

Charla

just after a Conf call per distribution therein Charla disappears? CP

Ans. is not true, Charles Spoke to Appellant as owner Sole owner of the subject property with which Charles has no involvement. Running scared of my mat including him in the distribution as Charles wished. He wants a full Share in the matter and ignores "Get your FAIR Share and you "Reap what you sow." Where is she? CP CP

Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, SC 29407
843.762.3554
andrews@lafondlaw.com
Attorney for Charles Tolbert
Attorney for Charles Tolbert, Personal Representative for Estate of Charla Tolbert McMillian

Charleston, South Carolina
May 19, 2022

Certificate of Mailing

I certify that on this 19th day of May, 2022 the foregoing was served by United States Mail, postage prepaid and addressed as follows:

Malena A. Dinwoodie, Esq.
Finkel Law Firm, LLC
4000 Faber Place Drive, Suite 450
N. Charleston, SC 29405

With electronic copy to:

William K. Kalivas, Esq.
Smith | Closser, PA
wkalivas@scnlaw.com

Betty Jean Tolbert Jones
bettyjeantolbertjones@yahoo.com

Ashley G. Andrews

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Keith L. Tolbert

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-04058

PLAINTIFF'S RESPONSE TO DEFENDANT CAROLYN TOLBERT SMITH'S FIRST SET OF INTERROGATORIES

TO: MALENA A. DINWOODIE, ESQUIRE, ATTORNEY FOR DEFENDANT CAROLYN TOLBERT SMITH:

INTERROGATORIES

1. Give the names and addresses of persons known to Plaintiff or Plaintiff's counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses as well as who has possession of such statements.

RESPONSE:

- Keith Tolbert – Estranged
  c/o Smith Closser, PA
  7455 Cross County Road, Suite One
  Charleston, SC 29423
  No written or recorded statements; is an heir and has firsthand knowledge of the facts and circumstances alleged in the Complaint and surrounding the properties at issue therein, to include the deed of distribution and the last will and testament of Helen G. Tolbert.

- Carolyn Tolbert Smith
  c/o Finkel Law Firm, LLC
  4000 Faber Place Drive, Suite 450
  North Charleston, SC 29405
  No written or recorded statements; is an heir and has firsthand knowledge of the facts and circumstances alleged in the Complaint and surrounding the properties at issue therein, to include the deed of distribution and the last will and testament of Helen G. Tolbert.

- Charles Tolbert, Esq.

(Keith)

RESPONSE: None ever at this time, but Plaintiff reserves the right to retain an expert and will supplement this response accordingly.

None 5. Set forth an itemized list of any improvements made to the Property by Plaintiff since 2015, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by Plaintiff in making such improvement, if any.

Never **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None ever 6. Set forth an itemized list of any repairs made to the Property by Plaintiff since 2015, including the approximate date the repair was made, a description of the repair, and the cost incurred by Plaintiff in making such repair, if any.

Never **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None 7. Describe in detail any and all contributions Plaintiff has made to the routine maintenance of the Property since 2015, including a description, approximate dates made, and any cost incurred by Plaintiff in said maintenance.

Never **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None ever 8. Set forth a list of the dates and amounts of payments made by Plaintiff toward the property taxes and/or insurance premiums related to the Property.

Not ever **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None 9. Set forth a list of any other pecuniary contributions made by Plaintiff related to the Property since 2015, including dates, amounts, and descriptions of the contributions made.

There is none **RESPONSE:** None ever at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

10. Please identify any time periods that Plaintiff resided at the Property, including his age at the time and length of residency.

Never in his life time.

RESPONSE: Plaintiff spent (visited) one night at the residence in October of 2014 after visiting his father, Blanton W. Tolbert, in the hospital. Plaintiff stayed at a hotel with his family or with his children.

11. Identify any times that Plaintiff has visited the Property over the past twenty years, including approximate dates, length of stay, and purpose of the visit. He visited for his grandfather funeral to line up for the funeral. Keith refused to honor his grandmother funeral

RESPONSE: Please see Plaintiff's response to Interrogatory No. 10. Above = 1 But is now left in line to grab her financial re-sources, How Sour! How Slanderful!

None

12. Describe any pecuniary contributions made by Blanton William Tolbert toward the Property during the period of 2000-2015 that Plaintiff is aware of, which may include, but is not necessarily limited to improvements, maintenance, repairs, taxes, insurance, etc.

None

RESPONSE: Plaintiff is not aware of any pecuniary contributions made by Blanton William Tolbert during the period of 2000-2015.

Defendant pd. him $100.00 per wk to sit (w) Ma' + Pa' for a while 1998 - 2000

except paid $100.00 for 3-4 wks. to sit with parents.

13. Provide addresses for any and all real properties owned by Plaintiff, regardless of location, and identify the primary use of each (i.e., primary residence, rental property, etc.). Covington, GA

RESPONSE: The only real property owned by Plaintiff is his primary residence located at:

& Augusta, GA? & Stone Mountain, GA? Grand mother's So mally

52 Windcrest Dr
Covington, GA 30016-1299

None in Augusta from grandma' or mom?
None in the area of Stone Mountain?

14. Besides this lawsuit, please identify any other litigation in which Plaintiff has been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter.

RESPONSE: None

15. Other than Plaintiff's attorney and/or his staff, identify all individuals or entities with whom Plaintiff has communicated with regarding the Property and/or allegations contained in the Complaint. State the dates and describe the substance of such communications. & Ma', aunt, other? Plaintiff's

RESPONSE: Please see Plaintiff's response to Interrogatory No. 1 for a list of all individuals not mentioned below who Plaintiff has communicated with, or been contacted by, regarding the Property and/or allegations contained in the Complaint. All communication between the heirs relevant to this request has been ongoing since 2020, as evidenced by the discovery documents produced by Plaintiff bates-labeled KT031, KT032, KT037 and KT038. In addition to the individuals identified in response to Interrogatory No. 1, Plaintiff has communicated with the below individuals:

omitted me, Aunt Kay, when his contacts were by E-Mail

- Lisa C. Tolbert: Plaintiff's spouse. They have discussed general information and the status of case at various dates and times since 2020.
- Fredericka S. Tolbert: Plaintiff's mother. They have discussed general information and the status of case at various dates and times since 2020.
- Jessica Wentworth Grassi, Esq.: represented Plaintiff in probating my father's estate. Extensive knowledge of the details concerning the current litigation based on her review from handling the Estate of Blanton William Tolbert. No person knew which Not
- Michael Leach: Plaintiff's pastor. They have discussed general information and the status of case at various dates and times since 2020.

SMITH | CLOSSER, P.A.

William K. Kalivas- SC Bar No. 80201
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
(843) 552-2678 facsimile
wkalivas@scnlaw.com
Attorneys for the Plaintiff

May 10, 2022
Charleston, South Carolina
21-280

ELECTRONICALLY FILED - 2021 Sep 02 9:28 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10- **SUMMONS** **(Quiet Title, Partition)**

TO: THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is served upon you, and to serve a copy of your written response to the said Complaint on the subscribers at the law office of Smith | Closser | Wheeler, P.A., 7455 Cross County Road, Suite I, Post Office Box 40578, Charleston, South Carolina, 29423-0578, within thirty (30) days after the date of service hereof, exclusive of the day of service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

SMITH | CLOSSER | WHEELER, P.A.

s/William K. Kalivas

William K. Kalivas- SC Bar No. 80201
7455 Cross County Road, Ste I (29418)
P.O. Box 40578, Charleston, SC 29423
843-760-0220; 843-552-2678 (fax)
wkalivas@scnlaw.com
Attorneys for the Plaintiff

September 2, 2021
Charleston, South Carolina
21-280

ELECTRONICALLY FILED - 2021 Sep 02 9:28 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

- AND -

All that lot, piece or parcel of land situate, lying and being in Scanlonville, which is a portion of a tract of land known as Remley's Point, in what was formerly Christ Church Parish, Charleston County, South Carolina, now known as Moultrie School District No. 2, and shown and designated on a plat made by John A. Michel, Surveyor, February 14, 1870, and revised December 1894 by H.S. Lamble, Civil Engineer, which plat was recorded in the R.M.C. Office for Charleston County on November 3, 1899 in Plat Book D, Page 180, as small black numbers lot 327.

BEING the same premises conveyed to Helen G. Tolbert by Deed of Hollis A. Ayers dated May 24, 1979; recorded May 30, 1979 in Book H119 at Page 107 in the RMC Office ~~for Charleston~~ County.

TMS No. 514-11-00-064

Property Address: 0 6th Avenue, Mt. Pleasant, SC 29464 ("Property 2")

11. The fifty percent (50%) interest of Fred W. Tolbert in Property 1 was conveyed by deed of distribution, and recorded in the Charleston County RMC Office on May 18, 2011 in Book 0188, at Page 003, as follows:

Helen Alice Grant Tolbert	50%
Blanton William Tolbert	12.5%
Betty Jean Tolbert Jones	12.5%
Sara Jo Tolbert Latten	12.5%
Carolyn Tolbert Smith	12.5%

48% ±20 ?

12. The now seventy-five percent (75%) interest of Helen Alice Grant Tolbert in Property 1 was then conveyed by deed of distribution, and recorded in the Charleston County RMC Office on January 25, 2013 in Book 0306, at Page 283, as follows:

Carolyn Tolbert Smith	20%
Blanton William Tolbert	20%
Betty Jean Tolbert Jones	20%
Sara Jo Tolbert Latten	20%
Charles Tolbert	10%
Charla Tolbert McMillian	10%

Appellant is totally unaware of the distribution on the left ~~[illegible]~~ executed by me, Appellant re 1/25/2013, Appellant's attorney Atty. George Counts executed only one Deed Distribution re Sept 26, 2011. Perhaps, cgs ~~[illegible]~~ what's certain is that I, appellant.

ELECTRONICALLY FILED - 2021 Sep 02 9:28 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

13. Thereafter, Blanton William Tolbert conveyed his interest in Property 1 to Plaintiff by deed of distribution, and recorded in the Charleston County RMC Office on July 25, 2017 in Book 0654, at Page 353.

14. On or about November 30, 2020, Charla Tolbert McMillian passed away, leaving her interest in the Estate.

15. Therefore, the interests in Property 1 are held as follows:

Keith L. Tolbert	21.25%
Carolyn Tolbert Smith	21.25%
Betty Jean Tolbert Jones	21.25%
Sara Jo Tolbert Latten	21.25%
Charles Tolbert	7.5%
Estate of Charla Tolbert McMillian	7.5%

who arranged this?

16. The interest of Helen G. Tolbert in Property 2 was conveyed by deed of distribution, and recorded in the Charleston County RMC Office on September 28, 2011 in Book 0209, at Page 303, in equal shares to Carolyn Tolbert Smith, Blanton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, Charles Tolbert, and Charla Tolbert McMillian, respectively.

17. Thereafter, Blanton William Tolbert conveyed his interest in Property 2 to Plaintiff by deed of distribution, and recorded in the Charleston County RMC Office on November 9, 2020 in Book 0933, at Page 418.

18. On or about November 30, 2020, Charla Tolbert McMillian passed away, leaving her interest in the Estate.

See a Respondent signed while executing a new Deed of Dist.

19. Therefore, the interests in Property 2 are held as follows:

Keith L. Tolbert	16.66%
Carolyn Tolbert Smith	16.66%
Betty Jean Tolbert Jones	16.66%
Sara Je Tolbert Latten	16.66%
Charles Tolbert	16.66%
Estate of Charla Tolbert McMillian	16.66%

who decided this

I wonder which Respondent or (S)

20. Plaintiff seeks an Order from this Court quieting title to the subject properties in the names and percentages as set forth above.

FOR A SECOND CAUSE OF ACTION

ELECTRONICALLY FILED - 2021 Sep 02 9:28 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

(Partition)

21. Plaintiff realleges the allegations of the preceding paragraphs as if fully set forth herein.

22. That the Plaintiff is entitled to compel partition of the above-described properties pursuant to S.C. Code Ann.§15-61-10. Defendant disagrees! It's never mais intention.

23. That the parties to this action include all persons who presently have a recorded interest in the properties.

24. That the properties are incapable of being partitioned in kind. Not so at all where there is a will there is a way Let's be clear

WHEREFORE, the Plaintiff prays that this Court:

1. Quiet title to the subject properties in such percentage of ownership as stated above, as tenants in common, in fee-simple, free and clear of all claims to the properties, absolutely and forever;

2. Partition the subject properties by private sale, and approving any such sale price which is at least equal to the appraised value and divide the proceeds of the sale accordingly;

3. Pay any superior encumbrances against these properties from the proceeds of the responsible party(s).

4. Award the Plaintiff its costs and attorney's fees associated with this action; and

5. For such other and further relief as the Court may deem fair and equitable.

SMITH | CLOSSER | WHEELER, P.A.

So did you execute this Strange new Deed of Dist? Seems a Respondent not Defendant Plaintiff Appellant, Carolyn not prepared and signed Said new Deed of Dist (5) Come Clean! Be honest, truthful,

s/William K. Kalivas
William K. Kalivas- SC Bar No. 80201
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
(843) 552-2678 facsimile
wkalivas@scnlaw.com
Attorneys for the Plaintiff

September 2, 2021
Charleston, South Carolina
21-280

AFFIDAVIT OF SERVICE

State of South Carolina | **County of Charleston** | **Common Pleas Court**

Keith L. Tolbert, et al, Plaintiff(s)

vs.

Case No: 2021CP1004058

Carolyn Tolbert Smith, et al, Defendant(s)

For:

SMITH & CLOSSER, P.A.
P.O. Box 40578
Charleston, SC 29423-0578

To be served on: Carolyn Tolbert Smith

Travis Bowers, II, undersigned, being duly sworn, deposes and says:

that on 04-Sep-2020 11:22 am at 338 5th Ave. Mount Pleasant, SC

the undersigned served the documents described as:

Lis Pendens
Summons and Complaint By U.S. Mail ¿Served - In person, no?

A true and correct copy of the aforesaid document(s) was served on:

Carolyn Tolbert Smith

By personally delivering them into the hands of same. Who are you? I have no recollection of said service. cgs Prove it all! cgs

The person receiving documents is described as follows:

Sex	F	; Race	Black	; Hair Color	Brown	; Facial Hair	N/A
Approx. Age	65-50	; Approx. Height	5'04"	; Approx. Weight	110		

☑ To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Description proves that I was never served by you nor by anyone. cgs

Subscribed and sworn to before me this 9th day of September, 2021

Melinda K Bowers
NOTARY PUBLIC

My Commission Expires: 9/19/2028

MELINDA K BOWERS
My Commission Expires
NOTARY PUBLIC
9/19/2028
STATE OF SOUTH CAROLINA

I certify that I am over the age of 18, have no interest in the above action.
Undersigned declares under penalty of perjury that the foregoing is true and correct. cgs

Travis Bowers II ← Do you like aspen?

Travis Bowers, II
Process Server

Southern Pride Process, LLC
(803) 386-8559
PO Box 7125
Columbia, SC 29202-7125

SPP File: 130190-1
Client File: 21-280

ELECTRONICALLY FILED - 2021 Sep 27 2:13 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

ELECTRONICALLY FILED - 2021 Oct 07 4:39 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 **ANSWER AND COUNTERCLAIMS** **(Charles Tolbert &** **Estate of Charla Tolbert McMillian)**

why? where is charla?

Charles Tolbert, both individually and as Personal Representative of the Estate of Charla Tolbert McMillian, hereinafter collectively referred to as "Defendant," by and through his undersigned counsel, hereby makes his Answer and Counterclaims in response to the Complaint of the Plaintiff filed on September 2, 2021, hereinafter "Complaint." References to paragraph numbers in this Answer are references to the numbered paragraphs of the Complaint.

where + which ones does plaintiff counter?

ANSWER

1. Each and every allegation of the Plaintiff's Complaint not hereafter expressly admitted, qualified, and/or explained is denied. ? True or false, eh ?

2. Defendant admits the allegations contained in Paragraph 1.

3. Defendant admits, on information and belief, the allegations contained in Paragraphs 2 and 3.

4. Defendant admits the allegations set forth in Paragraph 4.

5. Defendant admits, on information and belief, the allegations contained in Paragraphs 5 and 6.

ELECTRONICALLY FILED - 2021 Oct 07 4:39 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

6. Defendants admits the allegations set forth in Paragraphs 7 and 8. In further answering Paragraph 7, Defendant further alleges that Charles G. Tolbert was duly appointed Personal Representative of the Estate of Charla Tolbert McMillian on August 6, 2021 By whom? who investigated (w) no autopsy

Why? With or without probe into the suspicious alleged death of Charla Show autopsy reports 6) Probe state of intestate

7. In response to Paragraph 9, Defendant repeats and realleges the allegations set forth in the preceding paragraphs as though fully set forth herein.

8. Defendant admits the allegations contained in Paragraph 10, except that on information and belief, Property 2 is located on the corner of 5th Avenue and 6th Street and its address is either 0 5th Avenue or 0 6th Street, Mt. Pleasant, SC 29464.

9. Defendant denies the allegations contained in Paragraph 11 and demands strict proof thereof. In further answering Paragraph 11, Defendant alleges that the Deed of Distribution filed in the Charleston County RMC Office in Book 0188, at Page 003 did not list all of the intestate heirs of Fred W. Tolbert. The Estate of Fred William Tolbert, also known as Fred W. Tolbert, was probated in Charleston County as Probate File No. 2001-ES-10-01196. Fred William Tolbert died intestate on September 6, 2000 and was survived by his wife, Helen Alice Grant Tolbert, and four of his children, Blanton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Carolyn Tolbert Smith. Fred William Tolbert was predeceased by his daughter, Fredrina Tolbert, who died on January 1, 1995. Fredrina Tolbert was survived by her two children, Charles Tolbert and Charla Tolbert McMillian. Thus, Fred William Tolbert's heirs at law were his wife, his four surviving children, and his two grandchildren. The fifty (50%) percent interest of Fred W. Tolbert in Property 1 passed by operation of law to his heirs in the following shares:

Probe this in G Town Probe mother too

Where is Charla? Prove facts about Charla, please about her sudden mysterious death intestate, and approximately 12 other grands and 2 great grands

Helen Alice Grant Tolbert	50%
Blanton William Tolbert	10%
Betty Jean Tolbert Jones	10%
Sara Jo Tolbert Latten	10%
Carolyn Tolbert Smith	10%
Charles Tolbert	5%
Charla Tolbert McMillian	5%

Please Understand Not equally but each his, "Fair Share" Just "

and their heirs and assigns, share and share alike. Should any of my children predecease me or my husband, then that portion so devised to them by this Will shall go to the child or children of such deceased child or children." Fredrina Tolbert predeceased both of her parents and was survived by her two children, Charles Tolbert and Charla Tolbert McMillian. Where is Charla?

14. Defendant admits the allegations contained in Paragraph 17. In further answering Paragraph 17, Defendant alleges that the deed of distribution from the Estate of Blanton William Tolbert was re-recorded to correctly reflect the ownership interest in full of Property 2. Said deed of distribution was re-recorded in the ROD Office for Charleston County on June 14, 2021 in Book 1002, at Page 233. Exhibit A to said deed of distribution lists the full ownership interests in Parcel 2 as follows: re recorded and all changes devised by Plaintiff's attorney or attorneys.

Keith L Tolbert	20%
Dr. Betty Jean Tolbert Jones	20%
Sara Jo Tolbert Latten	20%
Carolyn Tolbert Smith	20%
Charles Tolbert	10%
Charla McMillian	10%

Defendant disagrees with the distribution thereupon left of this written statement. eg

15. Defendant admits that Charla Tolbert McMillian died on November 30, 2020. In further answering Paragraph 18, Defendant alleges that Charla Tolbert McMillian died intestate leaving as her only heir at law her brother, Charles Tolbert. A deed of distribution conveying Charla Tolbert McMillian's interest in Property 2 to Charles Tolbert has not yet been recorded in Charleston County, nonetheless, Charla Tolbert McMillian's interest in Property 2 passed by operation of law to Charles Tolbert upon her death. Where is Charla's Will? Is there husbo

How? Why? Mysterious, suspicious. Why the coverups? Why cremate? Why no autopsy?

16. Defendant denies the allegations contained in Paragraph 19 and demands strict proof thereof. In further answering Paragraph 19, Defendant alleges the interests in Property 2 are held as follows:

ELECTRONICALLY FILED - 2021 Oct 07 4:39 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

Keith L Tolbert	20%
Betty Jean Tolbert Jones	20%
Sara Jo Tolbert Latten	20%
Carolyn Tolbert Smith	20%
Charles Tolbert	20%

Is Defendant is Not in agreement with the Distribution shares upon? cgb

17. A portion of Paragraph 20 contains legal conclusions to which no responsive pleading is required. In further answering Paragraph 20, Defendant alleges that ownership of Property 1 should be quieted in the names and in the percentages set forth in paragraph 12 above and the ownership of Property 2 should be quieted in the names and in the percentages set forth in paragraph 16 above. Defendant denies all quiet title proceedings. cgb

18. In response to Paragraph 21, Defendant repeats and realleges the allegations set forth in the preceding paragraphs as though fully set forth herein. Denied.

19. Paragraph 22 contains legal conclusions to which no responsive pleading is required. To the extent a response is required, Defendant denies the allegations of Paragraph 22.

20. Defendant admits the allegations contained in Paragraphs 23 and 24.

COUNTERCLAIMS

Having responded to each and every allegation of the Complaint, Defendant asserts his Counterclaims against the Plaintiff as follows:

Quiet Title

NO. Said action is improper in every sense of "Improper"

21. On information and belief and pursuant to Rule 53, SCRCP, an action to quiet title is a proper matter to refer to the Master in Equity for Charleston County. untrue

22. Defendant requests an order of this Court referring this matter to Mikell R. Scarborough, Master in Equity for Charleston County. Totally improper maybe even illegal. cgb

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ELECTRONICALLY FILED - 2021 Oct 07 4:39 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

Partition

23. On information and belief, the real property which is the subject of this suit is heirs' property as defined by S.C. Code Ann. §15-61-320(5). Defendant requests an order of this Court determining that the subject property is heirs' property.

NO 24. Defendant is informed and believes that testimony given in Court will suffice as a legal alternative to demonstrate ownership of the Property for the purpose of ordering a sale and to issue a writ of partition would involve unnecessary expense. Pursuant to S.C. Code Ann. §15-61-350 and Rule 71(f), SCRCP, Defendant requests an order of this Court dispensing with the issuing of a writ of partition. NO Someone herein has perhaps entered into Collusion?

25. On information and belief, the property cannot be partitioned in kind, but the property may be partitioned by allotment or by public or private sale. NO Pursuant to S.C. Code Ann. §15-61-370(B), Defendant Charles Tolbert individually, as a non-petitioning tenant in common, hereby gives notice to the court of his interest in purchasing the property that is the subject of this suit. NO

This is totally non-inequitable, perhaps illegal where there is a will, eg

NO 26. Since a partition action is an equitable action, Defendant believes it would be fair and equitable to grant the parties to this action the right of first refusal to purchase the subject property in a sale subsequent to this partition action. Defendant requests and order of this Court granting the parties to this action a right of first refusal in a sale subsequent to this partition action.

This is pure "Evil,"

WHEREFORE, Defendant respectfully requests: There is nothing respectful this is totall disrespectful herein eg

A. An Order of this Court referring this matter to Mikell R. Scarborough, Master in Equity for Charleston County; NO.

B. An order of this Court determining that the subject property is heirs' property;

C. An order of this Court dispensing with the issuing of a writ of partition; NO

D. An Order of this Court granting the parties to this action the right of first refusal to purchase the property at a sale subsequent to this partition action; and

E. Such other and further relief that the Court deems just and proper. NO

s/Ashley G. Andrews
Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, SC 29407
843.762.3554
andrews@lafondlaw.com

Attorney for Charles Tolbert, individually and as Personal Representative of the Estate of Charla Tolbert McMillian

Charleston, South Carolina
October 7, 2021

ELECTRONICALLY FILED - 2021 Oct 07 4:39 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

Exhibit S S

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Keith L. Tolbert

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMC
FOR THE NINTH JUDICIAL
CASE NO.: 2021-CP-10-040

See the Sheet here Second the consenters check Iamnot there cf

Here is why I de mand a jury trial. My Slim chances for justice Will not be with

CONSENT ORDER FOR REFERENCE TO THE MASTER IN EQUITY

the judge that participated in this matter. Scary cf

I Knew nothing about this mutual consent neither do I see my name where all other Names of consenters appear cf

Clear this up please

I was not party of this

COME NOW, by mutual consent, Plaintiff Keith L. Tolbert ("Plaintiff"), and Defendants Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones and the Estate of Charla Tolbert McMillian ("Defendants") to hereby move the Court pursuant to Rule 53(b) of the South Carolina Rules of Civil Procedure for an Order referring the above-captioned matter to the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, for adjudication of all further proceedings in this matter, to include all pending motions.

Neither Plaintiff nor Defendants have demanded a jury trial on the claims that have been asserted. Defendant Sara Jo Tolbert Latten has not made an appearance or filed a response pleading in this case and is currently in default.

WHEREFORE, the Parties, by consent, respectfully request that the Court issue an Order referring this matter to the Master-in-Equity for Charleston County, the Honorable Mikell R. Scarborough with finality, with instructions that it be set for expedited hearing. Upon reference, the Master-in-Equity shall direct entry of final judgment in the case and that any appeal from the final judgment shall be made directly to the South Carolina Supreme Court or the South Carolina Court of Appeals, as applicable.

or

ELECTRONICALLY FILED - Apr 19 11:43 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

I CONSENT:

s/William K. Kalivas
William K. Kalivas, Esq.
Smith | Closser, PA
7455 Cross County Road, Suite 1
Charleston, SC 29418
wkalivas@scnlaw.com
Attorney for Plaintiff

I CONSENT:

s/Ashley G. Andrews
Ashley G. Andrews, Esq.
LaFond Law Group, P.A.
544 Savannah Highway
Charleston, SC 29407
andrews@lafondlaw.com
Attorney for Charles Tolbert and the Estate of Charla Tolbert McMillian

I CONSENT:

Where is my consent? Is there no justice in the Court?

s/Malena A. Dinwoodie
Malena A. Dinwoodie, Esq.
FINKEL LAW FIRM, LLC
4000 Faber Place Drive, Suite 450
North Charleston, SC 29405
mdinwoodie@finkellaw.com
Attorney for Carolyn Tolbert Smith

I CONSENT:

Betty Jean Tolbert Jones
Betty Jean Tolbert Jones

April 12, 2022
Charleston, SC

No A.T. Silver?

ELECTRONICALLY FILED - 2022 Apr 19 11:43 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

Exhibit S S 03/18/2023

ELECTRONICALLY FILED - 2022 Apr 20 11:42 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 CONSENT ORDER FOR REFERENCE TO THE MASTER IN EQUITY 03/18/2023

IT APPEARING that, by consent, Plaintiff Keith L. Tolbert ("Plaintiff"), and Defendants Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, and the Estate of Charla Tolbert McMillian ("Defendants") have filed a Consent Motion for an Order of Reference to the Master-in-Equity for the handling of all further proceedings in this action. Counsel kept me out of this crucial matter. Why?

An Order of Reference is appropriate for several reasons. First, all Parties who have made an appearance in this case consent to reference. I never knew of an appearance: ofh Defendant Sara Jo Tolbert Latten has not made an appearance or filed a response pleading in this case and is currently in default. Secondly, the claims asserted in this action are to be tried non-jury, as no party has demanded a jury trial. I demand a jury trial. I was left in the dark over no talk about a jury trial. Still is it possible? Finally, under Rule 53 of the South Carolina Rules of Civil Procedure, this matter may be referred to the Honorable Mikell R. Scarborough, as Master-in-Equity for Charleston County to take testimony arising under the pleadings, to make findings of fact and conclusions of law with the appropriate authority to dispose of any and all issues, and to direct entry of final judgment in this action, and all matters arising from or reasonably related to such action. ? all-of-a sudden?

For these reasons, IT IS HEREBY ORDERED that this case be, and hereby is, referred to the Master-in-Equity for Charleston County, South Carolina to take testimony and other evidence offered and to make appropriate findings of fact and conclusions of law as to all pending issues in this case, with authority to enter a final judgment in this case, with appeal, if any, directly to the South Carolina

Supreme Court or Court of Appeals as provided in the South Carolina Appellate Court Rules.

IT IS SO ORDERED.

This ____ day of April 2022

Presiding Judge,
Charleston County Circuit Court

Curious, NO signature

ELECTRONICALLY FILED - 2022 Apr 20 11:42 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Keith L. Tolbert

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-04058

PLAINTIFF'S RESPONSE TO DEFENDANT CAROLYN TOLBERT SMITH'S FIRST SET OF REQUESTS FOR PRODUCTION

Keith 03/17/2023 Six(6) questions?

Note, please – Too few questions ask why? to hide answers of "none", that reference the total absence of any contributions at all by Keith. CJS

TO: MALENA A. DINWOODIE, ESQUIRE, ATTORNEY FOR DEFENDANT CAROLYN TOLBERT SMITH:

DOCUMENTS TO BE PRODUCED Keith

1. Any and all documents in the Plaintiff's possession, custody, or control which are in any way related to his claims against Defendant in this action.

RESPONSE: Please see Plaintiff's discovery documents bates-labeled KT001 through KT047.

2. Any and all documents identified or described in Plaintiff's answers to Interrogatories.

RESPONSE: Please see Plaintiff's discovery documents bates-labeled KT001 through KT047. Personal – Self serving transfer from father to son ie claims. CJS

3. Any and all documents evidencing Plaintiff's monetary contributions toward the improvements, maintenance, repairs, property taxes, insurance premiums, or other common expenses related to the Property.

Never / **RESPONSE:** None (Never ever) at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

4. Any and all documents evidencing Plaintiff's non-monetary contributions toward the Property.

Never produced supplemental

RESPONSE: None at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

5. Any and all documents evidencing any contributions toward the Property made by Blanton William Tolbert, whether monetary or otherwise, that Plaintiff is aware of.

None

RESPONSE: ~~None that Plaintiff~~ is aware of. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

Never supplemented

6. Copies of any communications received or sent by Plaintiff from or to any other person or entity (other than his attorney and/or his attorney's staff) in relation to the Property and/or allegations in the Complaint.

Never received E-mail used. Defendant C.T. Smith has no E-mail posibility.

RESPONSE: Please see Plaintiff's discovery documents bates-labeled KT031 through KT038, and KT043 through KT047. Self serving transfer

SMITH | CLOSSER, P.A.

William K. Kalivas- SC Bar No. 80201
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
(843) 552-2678 facsimile
wkalivas@scnlaw.com
Attorneys for the Plaintiff

May 10, 2022
Charleston, South Carolina
21-280

Judge Scarborough

Add this to material attached to Judge Scarborough's per Appellants mis-trial

ELECTRONICALLY FILED - 2022 Aug 15 8:52 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Keith L. Tolbert Plaintiff, vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-10-04058 ORDER APPOINTING GUARDIAN AT LITEM AND ATTORNEY

03/19/2023

I, Appellant now learn about this matter of consent. CJS

This matter came before the Court for a Status Conference on June 29, 2022 before the Honorable Mikell R. Scarborough. At the conference, William K. Kalivas appeared on behalf of the Plaintiff, Malena A. Dinwoodie appeared on behalf of Defendant Carolyn Tolbert Smith, and Ashley G. Andrews appeared on behalf of Charles Tolbert and the Estate of Charla Tolbert McMillian. Upon considering the record and with the consent of counsel, the Court hereby appoints Taylor Silver, attorney in Georgetown, South Carolina, as Guardian ad Litem for Defendant Sara Jo Tolbert Latten.

without my knowledge wherein a signature is required CJS

Appellant was not aware of any of this

THEREFORE, IT IS ORDERED that Taylor Silver, attorney at law, be and is hereby appointed Guardian ad Litem and Attorney for Defendant Sara Jo Tolbert Latten; that he is empowered and directed to appear on behalf of and represent said Defendant, unless said Defendant, or someone on their behalf shall within thirty (30) days after service of a copy hereof as directed, procure the appointment of a Guardian ad Litem, retain an Attorney, or file a responsive pleading.

IT IS FURTHER ORDERED that a copy of this Order shall forthwith be served upon Defendant Sara Jo Tolbert Latten by publication thereof in the same manner as service of the Summons and Complaint, in a newspaper of general circulation published in the county where said Defendant's last known address is located, once a week for three (3) consecutive weeks.

I SO CONSENT:

s/William K. Kalivas
William K. Kalivas
SMITH CLOSSER, PA
7455 Cross County Road, Suite One
Charleston, SC 29423
wkalivas@scnlaw.com
Attorney for the Plaintiff

I SO CONSENT:

s/ Malena A. Dinwoodie
Malena A. Dinwoodie
FINKEL LAW FIRM, LLC
4000 Faber Place Drive, Suite 450
North Charleston, SC 29405
mdinwoodie@finkellaw.com
Attorney for Defendant Carolyn Tolbert Smith

I am not Counsel for Counsel's duty to keep Defendant informed. It did not happen. There was no fiduciary allegiance here

I SO CONSENT:

s/Ashley G. Andrews
Ashley G. Andrews
LaFond Law Group, P.A.
544 Savannah Highway
Charleston, SC 29407
andrews@lafondlaw.com
Attorney for Defendant Charles Tolbert and the Estate of Charla Tolbert McMillian

I SO CONSENT:

Betty Jean Tolbert Jones
1311 Delaware Ave. SW, Suite S843
Washington, DC 20024

I CONSENT TO THE APPOINTMENT AS GUARDIN AD LITEM AND ATTORNEY FOR SARA JO TOLBERT LATTEN:

s/Taylor Silver
Taylor Silver, Esq.
Silver Law Firm, LLC
103-D Queen Street
PO Box 1665
Georgetown, SC 29442
taylor@silverlawfirmllc.com

The Honorable Mikell R. Scarborough
Master-In-Equity, Charleston County

_____, 2022

ELECTRONICALLY FILED - 2022 Aug 15 8:52 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

Tax Receipts - for 10 yrs only available as 2012-2022

Taxes Pd.

FINKEL
LAW FIRM LLC

MALENA A. DINWOODIE, ESQUIRE
MDINWOODIE@FINKELLAW.COM

REPLY TO:
CHARLESTON LITIGATION

September 22, 2022

Charleston County Common Pleas
E-Filling Purposes

RE: Keith Tolbert v. Carolyn Tolbert- Smith, et al.
Case No.:2021-CP-10-04058
Our File No.: 91308.56985

To Whom it May Concern:

Per Judge Scarborough's instructions at the September 21st hearing in relation to the above captioned action, we are filing the enclosed exhibits.

With kind personal regards, we are

Sincerely,

FINKEL LAW FIRM LLC

Malena A. Dinwoodie

MAD/ts

Enclosure(s)

Prompts & overpayments.

COLUMBIA
1201 Main Street, Suite 1800
Post Office Box 1799 (29202)
Columbia, SC 29201
Tel: (803) 765-2935
Fax: (803) 973-0333

CHARLESTON
Litigation, Real Estate & REO
4000 Faber Place Drive, Suite 450
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (843) 577-5135

CHARLESTON
Default Servicing
4000 Faber Place Drive, Suite 450
Post Office Box 71737 (29415)
North Charleston, SC 29405
Tel. (843) 577-5460
Fax: (866) 632-3055

ELECTRONICALLY FILED - 2022 Sep 22 10:41 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

Malena Dinwoodie

From:	Kim Seay <KSeay@charlestoncounty.org>
Sent:	Friday, January 7, 2022 9:32 AM
To:	Tyrika Snipes
Cc:	Malena Dinwoodie
Subject:	RE: FOIA Request- Carolyn Tolbert- Smith
Attachments:	5141100064.pdf
Follow Up Flag:	Flag for follow up
Flag Status:	Completed

Attached to this email are the tax receipts for parcel 514-11-00-064.

Sincerely,

Kim Seay
Real Estate Tax Specialist
Revenue Collections Department – Delinquent Tax Division

4045 Bridge View Drive, Ste B110
North Charleston SC 29405

843-202-6091

From: Tyrika Snipes <tsnipes@finkellaw.com>
Sent: Thursday, December 02, 2021 10:30 AM
To: Delinquent Tax <DelinquentTax@charlestoncounty.org>
Cc: Malena Dinwoodie <MDinwoodie@FinkelLaw.com>
Subject: FOIA Request- Carolyn Tolbert- Smith

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

To whom it may concern,

Please see attached a complete Freedom of Information Act Request for our client, Carolyn Tolbert- Smith.

Thank you for your assistance in this matter.

FINKEL LAW FIRM LLC

Tyrika Snipes
Litigation Paralegal
843-577-5460 | Phone
888-866-7807 | Fax

SUPPLYJUSTICE.COM
EXHIBIT
A

tsnipes@finkellaw.com
4000 Faber Place Drive, Suite 4500
North Charleston, SC 29405
www.FinkelLawCharleston.com

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTBEL	Receipt Number:	DT.117487
Location:	DTSC	Receipt Year:	2012
Session:	06222012-0-DTSC-TRTBEL	Date Received:	06/22/2012

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 1300245 Bill Year: 2011 Effective Pay Date: 06/22/2012 PIN: 5141100064 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivison Name -SCANLONVILLE Description -LT 327 Site Name -COR TAG: 2-1 TOWN OF MOUNT PLEASANT	360.85	231.17	0.00	129.68	360.85	360.85	0.00
	Totals:	360.85	231.17	0.00	129.68	360.85	360.85	0.00

Tender Information:		Charge Summary:	
Check #1979	360.85	Real	360.85
Total Tendered	360.85	Total Charges	360.85

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

CAROLYN TOLBERT SMITH
338 5TH ST
MOUNT PLEASANT SC 29464

BALANCE REMAINING	0.00
CHARGES	360.85
PAID	360.85
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTBEL	Receipt Number:	DT.3725
Location:	DTSC	Receipt Year:	2013
Session:	01252013-0-DTSC-TRTBEL	Date Received:	01/25/2013

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 2571359 Bill Year: 2012 Effective Pay Date: 01/25/2013 PIN: 5141100064 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivison Name -SCANLONVILLE Description -LT 327 Site Name -COR TAG: 2-1 TOWN OF MOUNT PLEASANT	221.55	215.10	0.00	6.45	221.55	221.55	0.00
	Totals:	221.55	215.10	0.00	6.45	221.55	221.55	0.00

Tender Information:		Charge Summary:	
Cashiers Check #128046	2,160.41	Real	221.55
Cashiers Check #128259	898.00		
Total Tendered	3,058.41	Total Charges	221.55

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

T SMITH

T SC 29464

BALANCE REMAINING	0.00
CHARGES	221.55
PAID	3,058.41
OVERBID	0.00
OVERPAYMENT	2,836.86
CHANGE	0.00

Carolyn Tolbert-Smith_002

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTIJM	Receipt Number:	DT.1261
Location:	DTSC	Receipt Year:	2014
Session:	01102014-0-DTSC-TRTIJM	Date Received:	01/10/2014

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 3331217 Bill Year: 2013 Effective Pay Date: 01/10/2014 PIN: 5141100064 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivison Name -SCANLONVILLE Description -LT 327 Site Name -COR TAG: 2-1 TOWN OF MOUNT PLEASANT	636.19	636.19	0.00	0.00	636.19	636.19	0.00
	Totals:	636.19	636.19	0.00	0.00	636.19	636.19	0.00

Tender Information:		Charge Summary:	
Check #2423	2,872.00	Real	636.19
Total Tendered	2,872.00	Total Charges	636.19

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

CAROLYN TOLBERT SMITH
338 5TH ST
MOUNT PLEASANT SC 29464

BALANCE REMAINING	0.00
CHARGES	636.19
PAID	2,872.00
OVERBID	0.00
OVERPAYMENT	2,235.81
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTAFG	Receipt Number:	B15.39374
Location:	WEB	Receipt Year:	2015
Session:	947338614-16-01162015-0	Date Received:	01/16/2015

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 4061578 Bill Year: 2014 Effective Pay Date: 01/15/2015 PIN: 5141100084 Primary Owner: SMITH CAROLYN TOLBERT Property Addr: 6TH ST Property Desc: Subdivison Name -SCANLONVILLE Description -LT 327 Site Name -COR TAG: 2-1 TOWN OF MOUNT PLEASANT	677.01	677.01	0.00	0.00	677.01	677.01	0.00
	Totals:	677.01	677.01	0.00	0.00	677.01	677.01	0.00

Tender Information:		Charge Summary:	
Credit Card	677.01	Real	677.01
Total Tendered	677.01	Total Charges	677.01

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

SMITH CAROLYN TOLBERT
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	677.01
PAID	677.01
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTRKB	Receipt Number:	ML.10301
Location:	MAIL	Receipt Year:	2016
Session:	02162016-0-MAIL-TRTRKB	Date Received:	02/16/2016

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 5253621 Bill Year: 2015 Effective Pay Date: 02/16/2016 PIN: 5141100084 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -CO TAG: 2-1 TOWN OF MOUNT PLEASANT	872.53	793.21	0.00	79.32	872.53	872.53	0.00
	Totals:	872.53	793.21	0.00	79.32	872.53	872.53	0.00

Tender Information:		Charge Summary:	
Check #3423	872.53	Real	872.53
Total Tendered	872.53	Total Charges	872.53

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	872.53
PAID	872.53
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTIEA	Receipt Number:	ML.24031
Location:	MAIL	Receipt Year:	2017
Session:	01262017-0-MAIL-TRTIEA	Date Received:	01/26/2017

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 6011199 Bill Year: 2016 Effective Pay Date: 01/17/2017 PIN: 5141100084 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -CO TAG: 2-1 TOWN OF MOUNT PLEASANT	828.63	828.63	0.00	0.00	828.63	828.63	0.00
	Totals:	828.63	828.63	0.00	0.00	828.63	828.63	0.00

Tender Information:		Charge Summary:	
Check #3767	828.63	Real	828.63
Total Tendered	828.63	Total Charges	828.63

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

CAROLYN TOLBERT SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	828.63
PAID	828.63
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTJLR	Receipt Number:	B17.328268
Location:	LOCKBOX	Receipt Year:	2017
Session:	1114225516-17-11272017-2	Date Received:	11/27/2017

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 6737462 Bill Year: 2017 Effective Pay Date: 11/27/2017 PIN: 5141100064 Primary Owner: SMITH CAROLYN TOLBERT Property Addr: 6TH ST Property Desc: Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -CO TAG: 2-1 TOWN OF MOUNT PLEASANT	859.76	859.76	0.00	0.00	859.76	859.76	0.00
	Totals:	859.76	859.76	0.00	0.00	859.76	859.76	0.00

Tender Information:		Charge Summary:	
Check #00000004294	859.76	Real	859.76
Total Tendered	859.76	Total Charges	859.76

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

SMITH CAROLYN TOLBERT
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	859.76
PAID	859.76
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTRLB	Receipt Number:	DT.8358
Location:	DTSC	Receipt Year:	2019
Session:	04032019-0-DTSC-TRTRLB	Date Received:	04/03/2019

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 7593978 Bill Year: 2018 Effective Pay Date: 04/03/2019 PIN: 5141100064 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -CO TAG: 2-1 TOWN OF MOUNT PLEASANT	310.04	269.60	0.00	40.44	310.04	310.04	0.00
	Totals:	310.04	269.60	0.00	40.44	310.04	310.04	0.00

Tender Information:		Charge Summary:	
Check #5041	344.54	Real	310.04
Total Tendered	344.54	Total Charges	310.04

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	310.04
PAID	344.54
OVERBID	0.00
OVERPAYMENT	34.50
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTRLB	Receipt Number:	DT.8358
Location:	DTSC	Receipt Year:	2019
Session:	04032019-0-DTSC-TRTRLB	Date Received:	04/03/2019

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 7942896 Bill Year: 2018 Effective Pay Date: 04/03/2019 PIN: 5141100084 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -CO TAG: 2-1 TOWN OF MOUNT PLEASANT	34.50	30.00	0.00	4.50	34.50	34.50	0.00
	Totals:	34.50	30.00	0.00	4.50	34.50	34.50	0.00

Tender Information:		Charge Summary:	
Check #5041	344.54	Real	34.50
Total Tendered	344.54	Total Charges	34.50

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	34.50
PAID	344.54
OVERBID	0.00
OVERPAYMENT	310.04
CHANGE	0.00

Carolyn Tolbert-Smith_009

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTDKC	Receipt Number:	ML.67653
Location:	MAIL	Receipt Year:	2020
Session:	07022020-0-MAIL-TRTDKC	Date Received:	07/02/2020

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 8408292 Bill Year: 2019 Effective Pay Date: 07/02/2020 PIN: 5141100064 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -CO TAG: 2-1 TOWN OF MOUNT PLEASANT	360.04	269.60	0.00	90.44	360.04	360.04	0.00
	Totals:	360.04	269.60	0.00	90.44	360.04	360.04	0.00

Tender Information:		Charge Summary:	
Check #5842	2,433.23	Real	360.04
Check #5841	360.04		
Total Tendered	2,793.27	Total Charges	360.04

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

CAROLYN TOLBERT SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	360.04
PAID	2,793.27
OVERBID	0.00
OVERPAYMENT	2,433.23
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTDKC	Receipt Number:	ML.74301
Location:	MAIL	Receipt Year:	2020
Session:	07212020-0-MAIL-TRTDKC	Date Received:	07/21/2020

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 8852141 Bill Year: 2019 Effective Pay Date: 07/21/2020 PIN: 5141100084 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -CO TAG: 2-1 TOWN OF MOUNT PLEASANT	34.50	30.00	0.00	4.50	34.50	34.50	0.00
	Totals:	34.50	30.00	0.00	4.50	34.50	34.50	0.00

Tender Information:		Charge Summary:	
Check #5871	217.35	Real	34.50
Total Tendered	217.35	Total Charges	34.50

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	34.50
PAID	217.35
OVERBID	0.00
OVERPAYMENT	182.85
CHANGE	0.00

Carolyn Tolbert-Smith_011

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTTXP	Receipt Number:	NC.3927
Location:	NASC	Receipt Year:	2021
Session:	01142021-0-NASC-TRTTXP	Date Received:	01/14/2021

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 9092684 Bill Year: 2020 Effective Pay Date: 01/14/2021 PIN: 5141100064 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 6TH ST Property Desc: Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -CO TAG: 2-1 TOWN OF MOUNT PLEASANT	342.77	342.77	0.00	0.00	342.77	342.77	0.00
	Totals:	342.77	342.77	0.00	0.00	342.77	342.77	0.00

Tender Information:		Charge Summary:	
Check #6277	342.77	Real	342.77
Total Tendered	342.77	Total Charges	342.77

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

SMITH AVE-MARIE C
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	342.77
PAID	342.77
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

Malena Dinwoodie

From: Kim Seay <KSeay@charlestoncounty.org>
Sent: Wednesday, July 27, 2022 10:37 AM
To: Malena Dinwoodie
Cc: Tyrika Snipes
Subject: RE: FOIA Request- Carolyn Tolbert- Smith
Attachments: Doc0061.pdf

You don't often get email from kseay@charlestoncounty.org. Learn why this is important

Hello!

I've attached the tax receipts for the past ten years on parcel 514-11-00-065 to this email. Let me know if you need anything additional!

Sincerely,

Kim Seay
Real Estate Tax Specialist
Revenue Collections - Delinquent Tax Division

4045 Bridge View Drive, Suite B110
North Charleston SC 29405

(843)202-6091
FAX (843)202-6066

From: Malena Dinwoodie <MDinwoodie@FinkelLaw.com>
Sent: Tuesday, July 26, 2022 2:26 PM
To: Kim Seay <KSeay@charlestoncounty.org>
Cc: Tyrika Snipes <tsnipes@finkellaw.com>
Subject: RE: FOIA Request- Carolyn Tolbert- Smith

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Hi Kim,

I apologize for not catching this earlier, but looking at the response, we only received the
00-064, and the request was for that parcel as well as -065. Attached is a copy of the origi
reference. Would it be possible to get the tax receipts for parcel -065? Thanks in advance.

FINKEL LAW FIRM LLC

Malena A. Dinwoodie
Attorney at Law
843-577-5460 x348 | MDinwoodie@finkellaw.com
[illegible]
4000 Faber Place Dr., Suite 450
North Charleston, SC 29405

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

From: Kim Seay <KSeay@charlestoncounty.org>
Sent: Friday, January 7, 2022 9:32 AM
To: Tyrika Snipes <tsnipes@finkellaw.com>
Cc: Malena Dinwoodie <MDinwoodie@FinkelLaw.com>
Subject: RE: FOIA Request- Carolyn Tolbert- Smith

Attached to this email are the tax receipts for parcel 514-11-00-064.

Sincerely,

Kim Seay
Real Estate Tax Specialist
Revenue Collections Department – Delinquent Tax Division

4045 Bridge View Drive, Ste B110
North Charleston SC 29405

843-202-6091

From: Tyrika Snipes <tsnipes@finkellaw.com>
Sent: Thursday, December 02, 2021 10:30 AM
To: Delinquent Tax <DelinquentTax@charlestoncounty.org>
Cc: Malena Dinwoodie <MDinwoodie@FinkelLaw.com>
Subject: FOIA Request- Carolyn Tolbert- Smith

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

To whom it may concern,

Please see attached a complete Freedom of Information Act Request for our client, Carolyn Tolbert- Smith.

Thank you for your assistance in this matter.

FINKEL LAW FIRM LLC

Tyrika Snipes
Litigation Paralegal
843-577-5460 | Phone
888-866-7807 | Fax
tsnipes@finkellaw.com
4000 Faber Place Drive, Suite 4500
North Charleston, SC 29405
www.FinkelLawCharleston.com

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CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTSSR	Receipt Number:	DT.9656
Location:	DTSC	Receipt Year:	2022
Session:	01122022-0-DTSC-TRTSSR	Date Received:	01/12/2022

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 10199305 Bill Year: 2021 Effective Pay Date: 01/12/2022 PIN: 5141100085 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,474.80 2,474.80	2,375.80 99.00	0.00	0.00	2,474.80	2,474.80	0.00
	Totals:	2,474.80	2,474.80	0.00	0.00	2,474.80	2,474.80	0.00

Tender Information:		Charge Summary:	
Check #6464	2,474.80	Real	2,474.80
Total Tendered	2,474.80	Total Charges	2,474.80

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	2,474.80
PAID	2,474.80
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTTXP	Receipt Number:	NC.3922
Location:	NASC	Receipt Year:	2021
Session:	01142021-0-NASC-TRTTXP	Date Received:	01/14/2021

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 9092348 Bill Year: 2020 Effective Pay Date: 01/14/2021 PIN: 5141100085 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,451.75 2,451.75	2,352.75 99.00	0.00	0.00	2,451.75	2,451.75	0.00
	Totals:	2,451.75	2,451.75	0.00	0.00	2,451.75	2,451.75	0.00

Tender Information:		Charge Summary:	
Check #6276	2,451.75	Real	2,451.75
Total Tendered	2,451.75	Total Charges	2,451.75

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

SMITH AVE MARIE
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	2,451.75
PAID	2,451.75
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTDKC	Receipt Number:	ML.67653
Location:	MAIL	Receipt Year:	2020
Session:	07022020-0-MAIL-TRTDKC	Date Received:	07/02/2020

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 8406046 Bill Year: 2019 Effective Pay Date: 07/02/2020 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,433.23	2,072.37	0.00	360.86	2,433.23	2,433.23	0.00
	Totals:	2,433.23	2,072.37	0.00	360.86	2,433.23	2,433.23	0.00

Tender Information:		Charge Summary:	
Check #5842	2,433.23	Real	2,433.23
Check #5841	360.04		
Total Tendered	2,793.27	Total Charges	2,433.23

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

CAROLYN TOLBERT SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	2,433.23
PAID	2,793.27
OVERBID	0.00
OVERPAYMENT	360.04
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTDKC	Receipt Number:	ML.74301
Location:	MAIL	Receipt Year:	2020
Session:	07212020-0-MAIL-TRTDKC	Date Received:	07/21/2020

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 8852238 Bill Year: 2019 Effective Pay Date: 07/21/2020 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	69.00	60.00	0.00	9.00	69.00	69.00	0.00
	Totals:	69.00	60.00	0.00	9.00	69.00	69.00	0.00

Tender Information:		Charge Summary:	
Check #5871	217.35	Real	69.00
Total Tendered	217.35	Total Charges	69.00

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	69.00
PAID	217.35
OVERBID	0.00
OVERPAYMENT	148.35
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTDKC	Receipt Number:	ML.74301
Location:	MAIL	Receipt Year:	2020
Session:	07212020-0-MAIL-TRTDKC	Date Received:	07/21/2020

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 8849740 Bill Year: 2019 Effective Pay Date: 07/21/2020 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	113.85 99.00	0.00 99.00	0.00	14.85	113.85	113.85	0.00
	Totals:	113.85	99.00	0.00	14.85	113.85	113.85	0.00

Tender Information:		Charge Summary:	
Check #5871	217.35	Real	113.85
Total Tendered	217.35	Total Charges	113.85

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	113.85
PAID	217.35
OVERBID	0.00
OVERPAYMENT	103.50
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTRLB	Receipt Number:	DT.8360
Location:	DTSC	Receipt Year:	2019
Session:	04032019-0-DTSC-TRTRLB	Date Received:	04/03/2019

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 7593946 Bill Year: 2018 Effective Pay Date: 04/03/2019 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,349.44	2,042.99	0.00	306.45	2,349.44	2,349.44	0.00
	Totals:	2,349.44	2,042.99	0.00	306.45	2,349.44	2,349.44	0.00

Tender Information:		Charge Summary:	
Check #5042	2,532.29	Real	2,349.44
Total Tendered	2,532.29	Total Charges	2,349.44

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	2,349.44
PAID	2,532.29
OVERBID	0.00
OVERPAYMENT	182.85
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO.BOX 878
CHARLESTON, SC 29402

Received By:	TRTRLB	Receipt Number:	DT.8360
Location:	DTSC	Receipt Year:	2019
Session:	04032019-0-DTSC-TRTRLB	Date Received:	04/03/2019

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 7935212 Bill Year: 2018 Effective Pay Date: 04/03/2019 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	113.85 99.00	0.00 99.00	0.00	14.85	113.85	113.85	0.00
	Totals:	113.85	99.00	0.00	14.85	113.85	113.85	0.00

Tender Information:		Charge Summary:	
Check #5042	2,532.29	Real	113.85
Total Tendered	2,532.29	Total Charges	113.85

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	113.85
PAID	2,532.29
OVERBID	0.00
OVERPAYMENT	2,418.44
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTRLB	Receipt Number:	DT.8360
Location:	DTSC	Receipt Year:	2019
Session:	04032019-0-DTSC-TRTRLB	Date Received:	04/03/2019

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 7943574 Bill Year: 2018 Effective Pay Date: 04/03/2019 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	69.00	60.00	0.00	9.00	69.00	69.00	0.00
	Totals:	69.00	60.00	0.00	9.00	69.00	69.00	0.00

Tender Information:		Charge Summary:	
Check #5042	2,532.29	Real	69.00
Total Tendered	2,532.29	Total Charges	69.00

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	69.00
PAID	2,532.29
OVERBID	0.00
OVERPAYMENT	2,463.29
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTJLR	Receipt Number:	ML.4785
Location:	MAIL	Receipt Year:	2018
Session:	01242018-0-MAIL-TRTJLR	Date Received:	01/24/2018

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 6737069 Bill Year: 2017 Effective Pay Date: 01/16/2018 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,155.86 2,155.86	2,056.86 99.00	0.00	0.00	2,155.86	2,155.86	0.00
	Totals:	2,155.86	2,155.86	0.00	0.00	2,155.86	2,155.86	0.00

Tender Information:		Charge Summary:	
Check #4346	2,155.86	Real	2,155.86
Total Tendered	2,155.86	Total Charges	2,155.86

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

AVE-MARIE C SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	2,155.86
PAID	2,155.86
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTJLR	Receipt Number:	B16.329001
Location:	WEB	Receipt Year:	2016
Session:	1114225516-16-12192016-3	Date Received:	12/19/2016

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 6010941 Bill Year: 2016 Effective Pay Date: 12/16/2016 PIN: 5141100065 Primary Owner: SMITH CAROLYN TOLBERT Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,080.92 2,080.92	1,991.92 99.00	0.00	0.00	2,080.92	2,080.92	0.00
	Totals:	2,080.92	2,080.92	0.00	0.00	2,080.92	2,080.92	0.00

Tender Information:		Charge Summary:	
Credit Card	2,080.92	Real	2,080.92
Total Tendered	2,080.92	Total Charges	2,080.92

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

SMITH CAROLYN TOLBERT
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	2,080.92
PAID	2,080.92
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTJLR	Receipt Number:	B16.88575
Location:	WEB	Receipt Year:	2016
Session:	1114225516-16-02122016-0	Date Received:	02/12/2016

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 5254180 Bill Year: 2015 Effective Pay Date: 02/11/2016 PIN: 5141100065 Primary Owner: SMITH CAROLYN TOLBERT Property Addr: 338 5TH AVE Property Desc: Subdivision Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,195.30 1,995.73	1,886.83 108.90	0.00	199.57	2,195.30	2,195.30	0.00
	Totals:	2,195.30	1,995.73	0.00	199.57	2,195.30	2,195.30	0.00

Tender Information:		Charge Summary:	
Credit Card	2,195.30	Real	2,195.30
Total Tendered	2,195.30	Total Charges	2,195.30

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

SMITH CAROLYN TOLBERT
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	2,195.30
PAID	2,195.30
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	CountyAdmin	Receipt Number:	B15.62058
Location:	conv	Receipt Year:	2015
Session:	01272015-0-CONV-CountyAdmin	Date Received:	01/27/2015

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 4062220 Bill Year: 2014 Effective Pay Date: 01/15/2015 PIN: 5141100065 Primary Owner: SMITH CAROLYN TOLBERT Property Addr: 338 5TH AVE Property Desc: Subdivison Name -SCANLONVILLE Description -LT 326	1,955.07	1,955.07	0.00	0.00	1,955.07	1,955.07	0.00
	Totals:	1,955.07	1,955.07	0.00	0.00	1,955.07	1,955.07	0.00

Tender Information:		Charge Summary:	
Surplus	2,325.12	Real	1,955.07
Total Tendered	2,325.12	Total Charges	1,955.07

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

SMITH CAROLYN TOLBERT
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

BALANCE REMAINING	0.00
CHARGES	1,955.07
PAID	2,325.12
OVERBID	0.00
OVERPAYMENT	370.05
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTIJM	Receipt Number:	DT.1261
Location:	DTSC	Receipt Year:	2014
Session:	01102014-0-DTSC-TRTIJM	Date Received:	01/10/2014

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 3331858 Bill Year: 2013 Effective Pay Date: 01/10/2014 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivison Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,235.81 2,235.81	2,136.81 99.00	0.00	0.00	2,235.81	2,235.81	0.00
	Totals:	2,235.81	2,235.81	0.00	0.00	2,235.81	2,235.81	0.00

Tender Information:		Charge Summary:	
Check #2423	2,872.00	Real	2,235.81
Total Tendered	2,872.00	Total Charges	2,235.81

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

CAROLYN TOLBERT SMITH
338 5TH ST
MOUNT PLEASANT SC 29464

BALANCE REMAINING	0.00
CHARGES	2,235.81
PAID	2,872.00
OVERBID	0.00
OVERPAYMENT	636.19
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTBEL	Receipt Number:	DT.3725
Location:	DTSC	Receipt Year:	2013
Session:	01252013-0-DTSC-TRTBEL	Date Received:	01/25/2013

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 2571201 Bill Year: 2012 Effective Pay Date: 01/25/2013 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivison Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,676.18 2,598.23	2,499.23 99.00	0.00	77.95	2,676.18	2,676.18	0.00
	Totals:	2,676.18	2,598.23	0.00	77.95	2,676.18	2,676.18	0.00

Tender Information:		Charge Summary:	
Cashiers Check #128046	2,160.41	Real	2,676.18
Cashiers Check #128259	898.00		
Total Tendered	3,058.41	Total Charges	2,676.18

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

CAROLYN TOLBERT SMITH
338 5TH AVE
MOUNT PLEASANT SC 29464

BALANCE REMAINING	0.00
CHARGES	2,676.18
PAID	3,058.41
OVERBID	0.00
OVERPAYMENT	382.23
CHANGE	0.00

CHARLESTON COUNTY

MARY TINKLER
PO BOX 878
CHARLESTON, SC 29402

Received By:	TRTJLR	Receipt Number:	NC.54472
Location:	NASC	Receipt Year:	2012
Session:	03282012-0-NASC-TRTJLR	Date Received:	03/28/2012

PAYMENT RECEIPT - PARTIAL

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 1300436 Bill Year: 2011 Effective Pay Date: 03/28/2012 PIN: 5141100065 Primary Owner: CAROLYN TOLBERT SMITH Property Addr: 338 5TH AVE Property Desc: Subdivison Name -SCANLONVILLE Description -LT 326 TAG: 2-1 TOWN OF MOUNT PLEASANT	963.31 837.66	738.66 99.00	0.00	125.65	963.31	963.31	0.00
	Totals:	963.31	837.66	0.00	125.65	963.31	963.31	0.00

Tender Information:		Charge Summary:	
Money Order #14-467468097 Money Order #14-467468098 Shortage	500.00 463.00 0.31	Real	963.31
Total Tendered	963.31	Total Charges	963.31

CHARLESTON COUNTY MARY TINKLER PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

CAROLYN TOLBERT SMITH
338 5TH ST
MOUNT PLEASANT SC 29464

BALANCE REMAINING	0.00
CHARGES	963.31
PAID	963.31
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

Copy 2
Do not

Carolyn Tolbert-Smith_372

BCD 1471583

State of South Carolina
Department of Labor, Licensing and Regulation
Real Estate Appraisers Board

CHARLES E SALMONSEN

Is hereby entitled in practice as a:

Certified Residential Appraiser

License Number: **428**

Expiration Date: 06/30/2024
OFFICE COPY

Laura L. Smith
Administrator

A

Uniform Residential Appraisal Report

SMITH
File # 22090216

There are 0 comparable properties currently offered for sale in the subject neighborhood ranging in price from $ 0 to $ 0

There are 3 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from $ 349,000 to $ 499,900

FEATURE	SUBJECT	COMPARABLE SALE # 1		COMPARABLE SALE # 2		COMPARABLE SALE # 3	
Address	338 5th Ave Mount Pleasant, SC 29464	1145 Rifle Range Rd Mount Pleasant, SC 29464		368 6th Ave Mount Pleasant, SC 29464		1149 Shadow Dr Mount Pleasant, SC 29464	
Proximity to Subject		2.60 miles SE		0.15 miles SE		2.14 miles E	
Sale Price	$ N/A		$ 499,900		$ 349,000		$ 402,000
Sale Price/Gross Liv. Area	$ sq.ft.	$ 326.31 sq.ft.		$ 109.75 sq.ft.		$ 200.00 sq.ft.	
Data Source(s)		CTMLS#21021615		CTMLS#20023781		CTMLS#20022843	
Verification Source(s)		MLS/Public Records		MLS/Public Records		MLS/Public Records	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) $ Adjustment	DESCRIPTION	+(-) $ Adjustment	DESCRIPTION	+(-) $ Adjustment
Sales or Financing Concessions		Conventional 4 DOM		Cash 87 DOM		Conventional 42 DOM	
Date of Sale/Time		09/15/2021		04/12/2021		11/23/2020	
Location	Scanlonville	Harborgate Shores	0	Scanlonville		Hickory Shadows	0
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Site	20000 sf	10890 sf	0	20037 sf	0	7840 sf	0
View	Residential	Residential		Residential		Residential	
Design (Style)	1.5 Sty BV	1.5 VS	+5,000	1 Sty WS	+5,000	1 Sty BV/CB	+2,500
Quality of Construction	Fair	Average	-25,000	Fair		Average	-25,000
Actual Age	1969	1988	-19,000	1950	+19,000	1971	-2,000
Condition	Fair	Renovated	-50,000	Fair		Renovated	-50,000
Above Grade Room Count (Total / Bdrms. / Baths)	9 / 5 / 2.1	6 / 3 / 2.0	0	8 / 4 / 2.0	0	8 / 4 / 2.0	0
Gross Living Area	2,902 sq.ft.	1,532 sq.ft.	+41,100	3,180 sq.ft.	-8,340	2,010 sq.ft.	+26,760
Basement & Finished Rooms Below Grade	None	None		None		None	
Functional Utility	Fair	Average		Fair		Average	
Heating/Cooling	Central	Central		Central		Central	
Energy Efficient Items	None Noted	None Noted		None Noted		None Noted	
Garage/Carport	1 Car Carport	1 Car Garage	-2,000	OSP	+2,000	OSP	+2,000
Porch/Patio/Deck	Porch/Patio	Porch/Patio		Porch/Patio		ScrPorch/Porch	-3,000
Fireplace/Fence	1FP/Fence	1FP/Fence		None/Fence	+2,000	1FP/Fence	
Pool	None	Pool	-5,000	None		None	
Appliances	Typical Built-ins	Stainless Steel	-1,000	Typical Built-ins		Stainless Steel	-1,000
Net Adjustment (Total)		☐ + ☒ -	$ -55,900	☒ + ☐ -	$ 19,660	☐ + ☒ -	$ -49,740
Adjusted Sale Price of Comparables		Net Adj. 11.2 % Gross Adj. 29.6 %	$ 444,000	Net Adj. 5.6 % Gross Adj. 10.4 %	$ 368,660	Net Adj. 12.4 % Gross Adj. 27.9 %	$ 352,260

I ☒ did ☐ did not research the sale or transfer history of the subject property and comparable sales. If not, explain

My research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s) MLS Sales/Realtor/Records

My research ☒ did ☐ did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.

Data Source(s) MLS Sales/Realtor/Records

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

ITEM	SUBJECT	COMPARABLE SALE #1	COMPARABLE SALE #2	COMPARABLE SALE #3
Date of Prior Sale/Transfer			03/31/2021 / $10	
Price of Prior Sale/Transfer			Quit Claim Deed	
Data Source(s)	MLS Sales/Realtor/Records	MLS Sales/Realtor/Records	MLS Sales/Realtor/Records	MLS Sales/Realtor/Records
Effective Date of Data Source(s)	09/08/2022	09/08/2022	09/08/2022	09/08/2022

Analysis of prior sale or transfer history of the subject property and comparable sales There have been no transactions within the last 36 months for the subject property.

Summary of Sales Comparison Approach Sale #2 strongly supports the final conclusion of value. It is believed to be the best comparable currently available. The Appraiser used the bracketing method to arrive at the final appraised value & is the reason for comparable sale #2 having the most weight on value.

Indicated Value by Sales Comparison Approach $ 369,000

Indicated Value by: Sales Comparison Approach $ 369,000 Cost Approach (if developed) $ 447,723 Income Approach (if developed) $ 0

The cost approach and the sales comparison analysis both support the indicated value. Most emphasis was given to the sales comparison analysis since it best reflects typical market activity in the subject area. The income approach has no rationale in the subject subdivision and was not used in this report.

This appraisal is made ☒ "as is", ☐ subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, ☐ subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or ☐ subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair:

Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is $ 369,000 , as of 09/08/2022 , which is the date of inspection and the effective date of this appraisal.

Form 1004 - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

2

Uniform Residential Appraisal Report

SMITH
File # 22090216

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

SUBJECT

Property Address 338 5th Ave | City Mount Pleasant | State SC | Zip Code 29464
Borrower Smith, Carolyn Tobert & Jones, Betty Jean Tolbert | Owner of Public Record Smith, Carolyn Tobert & Jones, Betty Jean Tolbert | County Charleston
Legal Description Lt 326, Scanlonville
Assessor's Parcel # 514-11-00-065 | Tax Year 2021 | R.E. Taxes $ 2,475.00
Neighborhood Name Scanlonville | Map Reference 16700 | Census Tract 0046.21
Occupant ☒ Owner ☐ Tenant ☐ Vacant | Special Assessments $ 0 | ☐ PUD HOA $ 0 ☐ per year ☐ per month
Property Rights Appraised ☒ Fee Simple ☐ Leasehold ☐ Other (describe)
Assignment Type ☐ Purchase Transaction ☐ Refinance Transaction ☒ Other (describe) Market Value
Lender/Client Individual | Address
Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? ☐ Yes ☒ No
Report data source(s) used, offering price(s), and date(s). MLS Sales/Realtor/Records:

CONTRACT

I ☐ did ☒ did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. This appraisal was for market value purposes only.

Contract Price $ N/A | Date of Contract N/A | Is the property seller the owner of public record? ☒ Yes ☐ No Data Source(s) Public Records
Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? ☐ Yes ☒ No
If Yes, report the total dollar amount and describe the items to be paid. N/A N/A

NEIGHBORHOOD

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics		One-Unit Housing Trends		One-Unit Housing			Present Land Use %	
Location	☐ Urban ☒ Suburban ☐ Rural	Property Values	☐ Increasing ☒ Stable ☐ Declining	PRICE $ (000)		AGE (yrs)	One-Unit	100 %
Built-Up	☒ Over 75% ☐ 25-75% ☐ Under 25%	Demand/Supply	☒ Shortage ☐ In Balance ☐ Over Supply	300	Low	0	2-4 Unit	0 %
Growth	☐ Rapid ☒ Stable ☐ Slow	Marketing Time	☒ Under 3 mths ☐ 3-6 mths ☐ Over 6 mths	5,000	High	100	Multi-Family	0 %
				550	Pred.	50	Commercial	0 %
							Other	0 %

Neighborhood Boundaries The subject property is bound to the north by Molasses Creek, to the east by I-526, to the south by Hwy 17, to the west by Wando River.

Neighborhood Description Subject property is located in the Mt Pleasant area of Charleston county. Good community houses of worship, schools and shopping conveniently located. Close proximity to work areas. Easy access to I-526 & I-26. Expanding community offerings.

Market Conditions (including support for the above conclusions) At the time of the appraisal, the property values appear to be in balance. The current listing/sale ratio for the subject neighborhood is 100%. Typical financing is conventional, with mortgage money available. There were 0 listings, and approximately 0 active & 7 sold DOM at the time of the appraisal.

SITE

Dimensions 100x200x100x200 | Area 20000 sf | Shape Rectangular | View Residential
Specific Zoning Classification SFR | Zoning Description Single Family Residential
Zoning Compliance ☒ Legal ☐ Legal Nonconforming (Grandfathered Use) ☐ No Zoning ☐ Illegal (describe)
Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? ☒ Yes ☐ No If No, describe

Utilities	Public	Other (describe)		Public	Other (describe)	Off-site Improvements - Type	Public	Private
Electricity	☒	☐	Water	☒	☐	Street Asphalt	☒	☐
Gas	☐	☐ None	Sanitary Sewer	☒	☐	Alley None	☐	☐

FEMA Special Flood Hazard Area ☐ Yes ☒ No | FEMA Flood Zone X | FEMA Map # 45019C0517K | FEMA Map Date 01/29/2021
Are the utilities and off-site improvements typical for the market area? ☒ Yes ☐ No If No, describe
Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? ☐ Yes ☒ No If Yes, describe
Subject is a level at grade site with adequate ingress/egress that appears to well accomodate dwelling. No adverse conditions were noted at the time of the inspection.

IMPROVEMENTS

General Description		Foundation		Exterior Description	materials/condition	Interior	materials/condition
Units	☒ One ☐ One with Accessory Unit	☐ Concrete Slab	☒ Crawl Space	Foundation Walls	Crawl/Fair	Floors	HW/Vinyl/Fair
# of Stories	1.5	☐ Full Basement	☐ Partial Basement	Exterior Walls	BV/Fair	Walls	SR/Panel/Fair
Type	☒ Det. ☐ Att. ☐ S-Det./End Unit	Basement Area	sq.ft.	Roof Surface	Asphalt/Fair	Trim/Finish	Wood/Fair
☒ Existing	☐ Proposed ☐ Under Const.	Basement Finish	%	Gutters & Downspouts	None	Bath Floor	C Tile/Fair
Design (Style)	Traditional	☐ Outside Entry/Exit	☐ Sump Pump	Window Type	Wood/Fair	Bath Wainscot	C Tile/Fair
Year Built	1969	Evidence of	☐ Infestation	Storm Sash/Insulated	Yes/Fair	Car Storage	☐ None
Effective Age (Yrs)	30	☐ Dampness	☐ Settlement	Screens	Yes/Fair	☒ Driveway	# of Cars 1
Attic	☐ None	Heating	☒ FWA ☐ HWBB ☐ Radiant	Amenities	☐ Woodstove(s) # 0	Driveway Surface	Concrete
☒ Drop Stair	☐ Stairs	☐ Other	Fuel Electric	☒ Fireplace(s) # 1	☒ Fence Fence	☐ Garage	# of Cars 0
☐ Floor	☐ Scuttle	Cooling	☒ Central Air Conditioning	☒ Patio/Deck Patio	☒ Porch Porch	☒ Carport	# of Cars 1
☐ Finished	☐ Heated	☐ Individual	☐ Other	☐ Pool None	☐ Other None	☒ Att.	☐ Det. ☐ Built-in

Appliances ☒ Refrigerator ☒ Range/Oven ☐ Dishwasher ☐ Disposal ☐ Microwave ☒ Washer/Dryer ☒ Other (describe) Fan/Hood
Finished area above grade contains: 9 Rooms 5 Bedrooms 2.1 Bath(s) 2,902 Square Feet of Gross Living Area Above Grade
Additional features (special energy efficient items, etc.). 1 Fireplace, Porch, Patio, Fence, Storage.

Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). **It is the Appraiser's hypothetical assumption that based off of the Appraiser's inspection, the subject property is in need of a new roof due to the current damage in the ceiling. This should be inspected by a licensed roofer.** The subject property is functional in utility and design. THE FLOOD ZONE INDICATED IS OBTAINED FROM THE LATEST MAPS IN OUR FILES; HOWEVER, THE ULTIMATE DETERMINATION MUST REMAIN IN THE SURVEY.

Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? ☐ Yes ☒ No If Yes, describe

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? ☒ Yes ☐ No If No, describe

Form 1004 - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

Carolyn Tolbert-Smith 373

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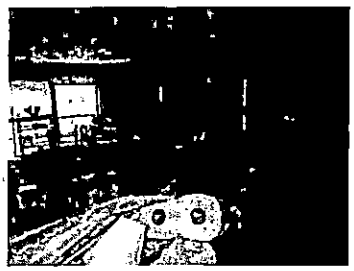
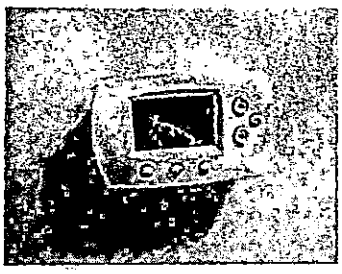
Carolyn Tolbert-Smith_383

Photograph Addendum

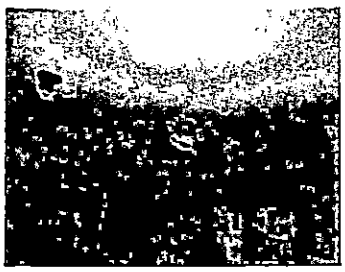
Borrower	Smith, Carolyn Tobert & Jones, Betty Jean Tolbert						
Property Address	338 5th Ave						
City	Mount Pleasant	County	Charleston	State	SC	Zip Code	29464
Lender/Client	Individual						



INTERIOR

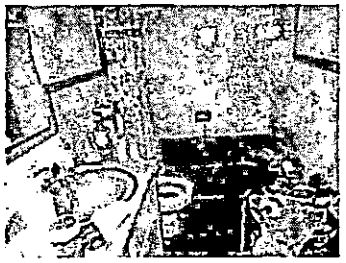


HVAC ON



CEILING DAMAGE

INTERIOR



INTERIOR

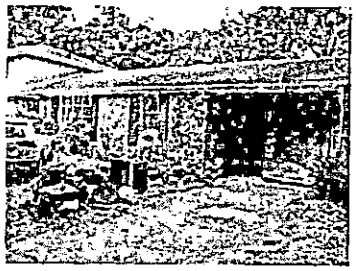
INTERIOR

ATTIC DROPSTAIR ACCESS

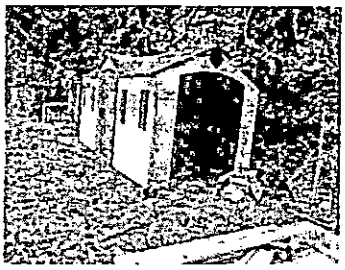
Carolyn Tolbert-Smith_382

Photograph Addendum

Borrower	Smith, Carolyn Tolbert & Jones, Betty Jean Tolbert				
Property Address	338 5th Ave				
City	Mount Pleasant	County	Charleston	State SC	Zip Code 29464
Lender/Client	Individual				

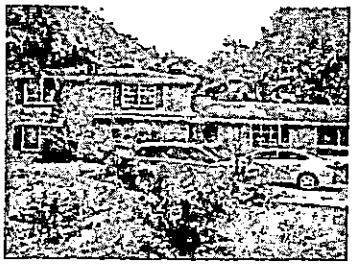


CARPORT



STORAGE

FRONT/RIGHT



FRONT

STREET SCENE2

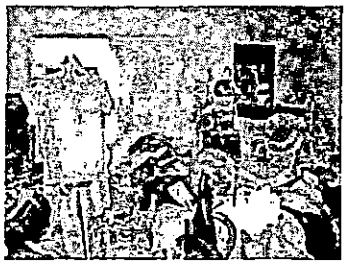
INTERIOR

INTERIOR

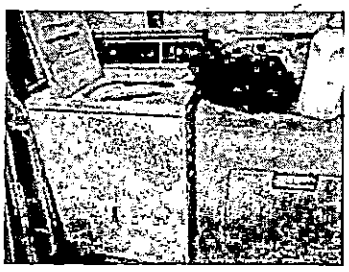
INTERIOR

INTERIOR

INTERIOR



INTERIOR



INTERIOR