



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
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COLUMBIA, SOUTH CAROLINA 29201  
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January 10, 2023

**RECEIVED**

APR 06 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.**

04/04/2023

The South Carolina Court of Appeals

"Delayed Discovery" by me -

I, Appellant Carolyn Talbert Smith, Supplement to my

Motion to Reinstate Case No.: 2022 001815.

I paid the \$50.00 fee already and gave alert per

Supplement by deadline. It came to my attention to-

day, 04/04/2023, that my former attorney, without my

knowledge and without my consent, in conference with the

Respondents (three other attys.) consented to heartbreaking (for

me) Quiet Title with Partition Lis Pendens, to which Judge

gave Order Consent to same. So I, Appellant, have had this

miserable uphill battle which said attorney voluntarily,

without any mutual agreement with me, withdrew her-

self as my attorney. Try as I have, <sup>to Succeed</sup> I did not create this

quagmire for myself and my children. Several attys that

I contacted avoid pits and note that trip you. Here in a major

claim for <sup>my</sup> kind kindly reinstating said case that it be argued <sup>my</sup> at the appellate Ct.

Exhibit S S 03/18/2023

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2021-CP-10-04058

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.

*Why no judge's signature  
here upon? agmt ending?*

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. Defendant Sara Jo Tolbert Latten has not made an

*I never knew of an appearance - cfb*

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. Finally, under

*I demand a jury trial*

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

*I was left in the dark never no talk about a jury trial still is it possible?*

Supreme Court or Court of Appeals as provided in the South Carolina Appellate Court Rules.

**IT IS SO ORDERED.**

This \_\_\_\_ day of April 2022

3

\_\_\_\_\_  
Presiding Judge,  
Charleston County Circuit Court

Curious, No?  
Signature

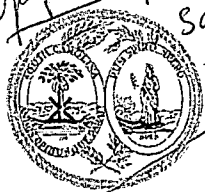
ELECTRONICALLY FILED - 2022 Apr 20 11:42 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

No judge's signature  
I wonder why not?

---

---

*How did this happen in light of the decedent's  
Last Will and Testament that in no wise on any indication  
"intent for her land" said inheritance be sold or part  
tioned. CP Is, Representative for Estate  
of the decedent, am totally  
against said Quiet Title  
Partition as move with  
by two estranged  
grandsons of  
the decedent.*



Charleston Common Pleas

**Case Caption:** Keith L Tolbert VS Carolyn Tolbert Smith , defendant, et al

**Case Number:** 2021CP1004058

**Type:** Master/Order/ Quiet Title and Form 4

*Fowl*

So Ordered

s/Mikell R. Scarborough 3062

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2021-CP-10-04058

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.

CONSENT ORDER  
TO QUIET TITLE

*Fowl*  
*My attorney did not*  
*have my consent!*

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 accepts the parties' agreement and quiets title on the parties' respective interests in the properties at issue in this case, as set forth below. However, said agreement is subject to and contingent upon Defendant Carolyn Tolbert Smith's pending Adverse Possession claim for sole ownership of the properties, which is currently scheduled for a hearing on September 21, 2022 starting at 11:00 AM.

*without my knowledge agreement or consent*  
*to what?! Quiet Title?! I would never con-*  
*sent to such Fowl a matter! cp*

FINDINGS OF FACT

1. The real property which is the subject of this lawsuit is located in Charleston County, South Carolina, and shall be referred to in this Order as the "Property," and is more fully described in Exhibit A, attached hereto and incorporated herein by reference.
2. The Plaintiff and the Defendants are descendants of Fred William Tolbert and Helen Alice Grant Tolbert.
3. 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.

4. The Estate of Helen Alice Grant Tolbert was probated in Charleston County as Probate File No. 2010-ES-10-01356. Helen Alice Grant Tolbert, also known as Helen G. Tolbert, died testate on December 25, 2003. Her Last Will and Testament dated October 8, 1974 (hereinafter the "Will") was admitted to probate. In her Will, Helen devised "my dwelling house situated at Remley's Point, Christ Church Parish ... 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 [sic] T. McMillan [sic], Carolyn T. Smith, Blanton W. Tolbert, Betty Jean T. Jones and Sarah Joe [sic] 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." Fredrina Tolbert predeceased both of her parents and was survived by her two children, Charles Tolbert and Charla Tolbert McMillian.

*not equally but share fairly you put in little to nothing put in much get out much. Keith and Charles and Charla put nothing in*

5. Charla Tolbert McMillian passed away on November 30, 2020. Her Estate is being probated in Charleston County as File No. 2021ES10-00675. Her only heir at law is her brother, Charles Tolbert.

*How? Why? answers hidden information*

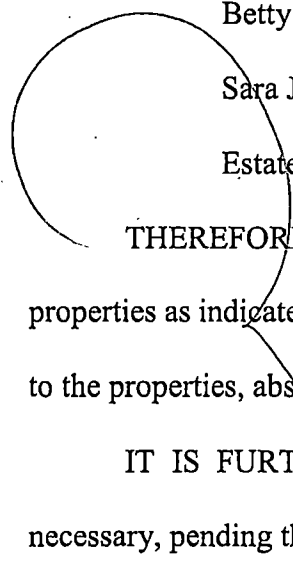
6. The respective ownership interests of the Plaintiff and the Defendants in the Property are more fully set forth below.

CONCLUSIONS OF LAW

1. Fee simple absolute title in and to all of the Property should be quieted and confirmed to be owned by the following, in the percentages listed by his or her name, who each own an undivided interest as tenants in common in and to the Property:

<u>Name</u>	<u>Ownership Interest</u>
Keith L. Tolbert	20%
Carolyn Tolbert Smith	20%
Charles Tolbert	10%
Betty Jean Tolbert Jones	20%
Sara Jo Tolbert Latten	20%
Estate of Charla Tolbert McMillian	10%

*an egregious in-justice, a sound travesty of justice*



THEREFORE, IT IS ORDERED that each party shall have the percentage interest in the properties as indicated in Exhibit A, as tenants in common, in fee-simple, free and clear of all claims to the properties, absolutely and forever.

IT IS FURTHER ORDERED that this Order shall be amended and/or withdrawn, as necessary, pending the outcome of Defendant Carolyn Tolbert Smith's adverse possession claim.

*temporarily*

*Malvina Mullins King st*

*Attorney? Verdict here 09/04/2023 Plaintiff prevails*

To: The SC Court of Appeals

*Carolyn Tolbert Smith adds to my already paid motion To Reinstate Case No: 2022 001815, and hereby having just learned about my attorney's consent to "Quiet Title" as ordered by judge Mitchell Scarborough. Said Consent Order goes completely against the Will of the decedent and against my Will. I am the Representative of said estate to be preserved.*

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](mailto:wkalivas@scnlaw.com)  
Attorney for the Plaintiff

I SO CONSENT:

s/Ashley G. Andrews  
Ashley G. Andrews  
LaFond Law Group, P.A.  
544 Savannah Highway  
Charleston, SC 29407  
[andrews@lafondlaw.com](mailto:andrews@lafondlaw.com)  
Attorney for Defendant Charles Tolbert  
and the Estate of Charla Tolbert McMillian

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](mailto:taylor@silverlawfirmllc.com)

August 3, 2022

*I, Carolyn Tolbert Smith*  
~~I SO CONSENT:~~  
*do not consent*  
*herein*

s/ Malena A. Dinwoodie  
Malena A. Dinwoodie  
FINKEL LAW FIRM, LLC  
4000 Faber Place Drive, Suite 450  
North Charleston, SC 29405  
[mdinwoodie@finkellaw.com](mailto:mdinwoodie@finkellaw.com)

*NO*  
Attorney for Defendant Carolyn  
Tolbert Smith *never consented*  
*to Master Order Quiet Title and*  
I SO CONSENT: *Form 4. of*

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

The Honorable Mikell R. Scarborough  
Master-In-Equity, Charleston County

To put some controversy to rest per Charles Keith's mis-conception

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

Per what is involved in Subject Will non being defied by a Quiet Title claim herein.

Note

IN THE PROBATE COURT  
DEED OF DISTRIBUTION  
(Real Property Only)  
NOT A WARRANTY DEED

Notice  
Real property only

CASE NUMBER: 2017-ES-10-01149



BP0654353

# PGS: 3

The undersigned states as follows: *CJL*

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: \_\_\_\_\_

To put some controversy to rest per Charles Keith's mis-conception

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

Per what is involved in )  
Subject Will )  
non being )  
defied by )  
Quiet Title )  
Claim herein. )

Note

IN THE PROBATE COURT

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

Notice  
Real prop  
party only

CASE NUMBER: 2017-ES-10-01149



# PGS:  
3

The undersigned states as follows: *OK*

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- Disclaimer by: \_\_\_\_\_
- Probate Court Order issued on \_\_\_\_\_
- Other: \_\_\_\_\_

Just this  
one  
8

## Certificate Of Service

1. Clerk Of the Court  
100 Broad Street  
Chas., SC 29401

119<sup>th</sup>  
03/16/23

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

Atty. Alwyn T. Silver  
P.O. Box 1665  
Georgetown, SC 29442

Atty. Ashley Andrews  
344 Savannah Hwy.  
Chas., SC 29407

Atty. W. Kalivas  
7465 Cross County Rd  
Ste 1  
North Chas., SC 29418

Carolyn Tolbert S  
Carolyn Tolbert Smith  
338 Fifth Ave  
Mt. Pleasant, SC  
29464

1-843-216-6920

No  
need  
new  
do two

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Circuit Court Judge

RECEIVED

APR 06 2023

SC Court of Appeals

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

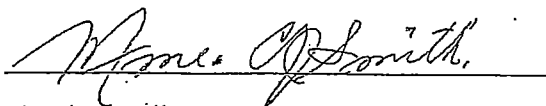
CHARLES TOLBERT, BETTY JEAN TOLBERT JONES, SARA JO TOLBERT LATTEN, AND ESTATE OF CHARLA TOLBERT MCMILLIAN ARE THE RESPONDENTS.

PROOF OF SERVICE

Per #7 Rule  
Certificate  
of Service

6 2023

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

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Carolyn  
843  
Talbert Smith  
338 Fifth Avenue  
Mt. Pleasant, SC 29464  
PHONE: 216-6760

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SC Court of Appeals

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FO ZIP Code	Scheduled Delivery Date (MM/DD/YYYY)	Package	
29464	4/10/23	\$ 28.75	
4/5/23	Scheduled Delivery Time 12:00 PM	Insurance Fee	
3:52		COO Fee	
		Return Receipt Fee	
		Live Aerial Transportation Fee	
		Total Postage & Fees	\$ 28.75
Weight 4 lbs.	Special Handling Fees	Acceptance Certificate Fee	

**TO:** (printed name)  
PHONE: 283 734  
1892  
The SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
ZIP + 4 (U.S. ADDRESS ONLY)

**DELIVERY (POSTAL SERVICE USE ONLY)**  
Delivery Attempt (MM/DD/YYYY) Time  All  Mail  Signature

Delivery Attempt (MM/DD/YYYY) Time  All  Mail  Signature



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