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5

04/04/2023

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APR 25 2023

SC Court of Appeals

Supplement To Motion To Reinstate

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, ^{to succeed} 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 problem.

3 more

copy 5

Continued

"Supplement To Motion To Reinstate" Case No 2022 001815

To Appellant, Carolyn T. Smith learned recently as

I studied briefs from my former attorney that she permitted me to be blindsided by the plaintiffs and the judge Scarborough who held a conference including my attorney Charles Leon McMillian and his attorney, Keith Talbert's attorney. My attorney neglected to inform me of the clandestine meeting. There the judge used the opportunity with the consent of counsel and naturally of consent of my opponents to declare the Court accepted the parties (all) agreement and further the judge ruled "quiesce title on the Parties. This constitutes a second betrayal by my former who reneged on doing the appeal that has been decidedly troubling for me. This has left me damaged emotionally, mentally, physiologically. I now know why my attorney refused to appeal. It would have been awkward to appeal against herself. So I'm faced with another egregious behavior against me, the Appellant.

I must ask my God the Almighty to turn this matter around; to grant me favor, the lone giver that I've been with my children for 27 to 28 yrs. Now comes trickery, sneaky acts, false accusations against me used by all of my opponents to achieve success at persecuting me more.

Charles Leon for the 1st time in 28 yrs, has gone behind our backs to pay one pymt. on property at the subject address in an attempt to block my prevailing. "No weapon formed against me shall prosper" For reasons herein and beyond I pray the Court of Appeals Reinstate with Order Judgment to grant my Motion To Reinstate Case 2022 001815.

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

Why no judge's signature here upon? q/bmtb 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. *I never knew of an appearance. c/b* 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. 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. *I was left in the dark over no talk about a jury trial still it's possible?* *? 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*

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*

4-5 Copies



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
www.sccourts.org

January 10, 2023

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.

How did this happen in light of the decedent's
Last Will And Testament that in no wise or way indicates
intent for her (and) said inheritance be sold or part
tioned. *CP* of the decedent, am totally
Charleston Common Pleas against said Quiet Title
Partition his Pondent
by two estranged
grandsons of
the decedent.
gs



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

Case Number: 2021CP1004058

Type: Master/Order/ Quiet Title and Form 4

Towl
So Ordered

s/Mikell R. Scarborough 3062

04/04/2023

The South Carolina Court of Appeals

"Delayed Discovery" by me -

I, Appellant Carolyn Talbert Smith, Supplement 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

miseral uphill battle which said attorney voluntarily,

without any mutual agreement with me, withdrew her-

self as my attorney. Try as I have, ^I I did not ^{succeed} create this

quagmire for myself and my children. Several attys that

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

Claim for ^{your} kind reinstating said case that it be argued ^{my} at the appellate Ct.

3 min

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
1 - without my knowledge agreement or consent
G. Andrews appeared on behalf of Charles Tolbert and the Estate of Charla Tolbert McMillian. Upon
2 - to what?! Quiet Title?! I would never con-
considering the record and with the consent of counsel, the Court hereby accepts the parties'
3 - sent to such Fowl a matter! cp
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.

So I was blind
Sided by my attorney and harmed, emotionally, mentally, physically and
more. God, turn this around for me your humble servant, giving
FINDINGS OF FACT

Thank you
God for your inter-
vention
In this troubling
matter!!!
my bones with
rejoice in thee.

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

Thank you God. Thank you Court of Appeals

110
X 7 or 10 more

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

Copy

I certify that I have served the Supplement To
Motion To Reinstate, my motion, on all Parties
listed below, by U.S. Mail, with sufficient pos-
tage, Certified with return receipt, on April 24
2023. I added Record On Appeal + Designation.

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

Mme. C.J.S.
Carolyn T. Smith

2. Alwyn Taylor Silver, Esq.
P.O. Box 1665
Georgetown, SC 29442

3. William K. Kalivas, Esq.
745.5 Cross County Rd.
Ste. 1
North Charleston, SC 29418

4. Ashley Gr. Andrews
544 Savannah Hwy.
Charleston, SC 29407

Mme. C.J.S.
Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, SC 29464
(843) 216-6960

5. The South Carolina Ct of Appeals
1220 Senate St.
Columbia, SC 29201

The Court of Appeals
1220 Senate Street
Columbia, SC 29201

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 representa-

tion in the courts gained the care and the mercy

of the merciful court which permitted said wi-

dow to be heard. Carolyn T. Smith begs again

your indulgence for my inability to encourage

any of several attorneys to take over my case.

Why do I continue this battle? 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 grand

Appellant is laboring to do it right
is a testimony to her intention and hope for the
use of the subject land. Helen believed that heirs
would be thoughtful, honorable, enterprising and
appreciative of their gift left for heirs. There is no
end to ways that all can profit herein rather than
via Quiet Title with Partition, so I need to con-
tinue 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 hun-
dred copies of filings; copy same away from home;
mail copies to two courts and 3 attorneys and a Pro
Se party certified and overnight at time. At age 85, I
am still willing to honor M^d & P^a and posterity. I forfeit dishonor +
greed.

Further Appellant seeks justice in the
matter, Case no.: 2022-001815. I satisfied

all six (6) elements to be satisfied by any who

Claims Title to Adverse Possession. Counsel

gave none of the arguments legitimate as they are,

Said Counsel, aware that I wanted to appeal did

nothing, Appellant had little or no time to address

the matter any more timely than I did. Neither

are mailings with an inside address, arriving at

the address, ^{or} taking place close to the inside ad-

dress. Not using certified mailing no outsi-

der knows when correspondences are mailed.

Some Counsel and others use this to their advan-^{tage}

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Mine 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**

for Defendant Carolyn

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.

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*

Gov Jon Villie'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*

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. gjs*

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."

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. cjs*

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. *Charles, where is your loving st stormy niece, Charla? where is Charla? Proof of her whereabouts has never been established. If deceased describe by autopsy the findings per*

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

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. cjs*

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

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

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.

** There is included in appellants Record on Appeal that Respondents had a new execution or more created and recorded as to Thon Bates or some person or persons other than Defendant. Neither was there proof on my Appellants signing any ever newly executed Deed(s) of Distribution for the Sub-ject hereof. cjs*

Appellant has found proof that there were Deeds of Distribution signed by Defendant. cjs

Page 3 of 9

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

cont'd the decedent's last will and testament
demanded. *There is no proof of action herein by Plaintiff(s) defeat*
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*

cont'd consistently openly, actual and notoriously who knew?
cont who knew? 24. Defendant walked away from her career and uprooted her life in Miami, FL to
1. The School move into the residency to care for her parents. *Truth*

system
2. Staff members (1995-2020 Sch. Shut down)

Postal Service

neighbors
church friends and
family
truthfully

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

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. forever

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. the change came with my arriving to aid to our worthy parents

29. No other Party to this action resides in the area. These are monumentally real + true, cont heart + self

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

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 head

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, safety, finances and all

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, out of town travel to Ochsner Health Resort in Miami, to funerals out of town, restaurants in hotels and not walks on L.A. (Polonia) streets

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*

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. *problems with recent minor repairs; plumbing created a hole in one ceiling below, cont repair to fencing damaged by recent Hurricane Ian*

37. Defendant has incurred significant financial expenses in maintaining and improving the Subject Properties since 2003, including but not limited to necessary roof repairs and land build up, without any assistance or contribution from any other Party to this action. *and by SCFB and Xylem branch cutter who failed to catch branches that destroyed fencing also remaining hurricane cleanup due to too free workers to hire. Cpl*

38. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein. *actual new complete roof, exterior painting, HVAC, window air (2) yard sand build up chainlink fence kitchen update*

FIRST COUNTERCLAIM
(Adverse Possession)

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, cpl*

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, these listed along with proof shown by Case law in Defendants Initial Brief for now Appellants support title of Adverse Adverse Possession*

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*

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 Quiet Title defeats a Last will and Testament and only if Defendant agrees with any Deal Dist.*

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

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. cp*

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*

8433
all

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 *(Appellant at the Appellate level)* Plaintiff *Carolyn Tolbert Smith* to be the sole owner in fee simple of the claim *to Charles Keith* Subject Properties, free and clear and clear of any claim, lien or interest of the said Defendants, their heirs, successors and assigns, and that the Plaintiff and other Co-*etals* Defendants be foreclosed of any right, title or interest or equity of redemption in the *in case No. 2021CP1004058* Subject Properties under the ten year adverse possession statute *Just Title (w) partition claim. g8*
- 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

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

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).

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10-04058

**MOTION AND ORDER FOR
MALENA DINWOODIE, ESQUIRE TO
WITHDRAW AS COUNSEL FOR
DEFENDANT CAROLYN TOLBERT-
SMITH**

On what date was attorney Dinwoodie granted withdrawal? Thirty days after that date of her official withdrawal I was to file timely
WHEREAS attorney Malena Dinwoodie, Esq. is the attorney of record for the defendant Carolyn Tolbert-Smith ("Tolbert-Smith") in the above captioned action; and *legally CP*

WHEREAS attorney Dinwoodie and Tolbert-Smith *are not* mutually desirous to terminate attorney's representation of Tolbert-Smith in this proceeding; and *The 2nd where as is untrue. Once more here upon you see written*

WHEREAS attorney Dinwoodie represents that she has informed Tolbert-Smith that if she does not retain substitute counsel, she will be deemed to be proceeding pro se and without counsel, and Tolbert-Smith acknowledges understanding of the same; *cut right un truths!*

NOW, THEREFORE, IT IS HEREBY:

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

All Par **ORDERED** that Defendant 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. Defendant 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.

[SIGNATURES ON FOLLOWING PAGE]

Copy
if needed

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

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

3/16/23
Note, please
Counsel ne-
glected to
inform me

Dear Attorney Dunwoodie: Appellant,
timely @ that

She would not appeal.

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

Appellant did

not receive judgment 8th Nov. but
later,

1. I am told by Mr. Snipe(s) that no subpoe-
na has been served on Mr. Henry A. Palmer.
I have, though, given you his address. He is
the best source and easier way to ob-
tain proof of the six thousand dollar roof ad-
ded 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 Broad St.,
confirmation per the entry of judgment re-
garding the summary judgment based on
the hearing held 09/21/2022.

03/16/23

* Appellant was not told of getting an
4. I must appeal said judgment in as much as Extension

counsel 11/30/22

I was egregiously disad-
vantaged.

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. Plaintiff's 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, lot & dwelling place bought with a loving mammoth price.

* In mother's 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 to add to the present dwelling, rent the space and provide joint income forever which I suggested about yr. 2000. Sara Jo said No!

Yours truly,
Carolyn J. Smith

1st attempt to respond by



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
www.sccourts.org

February 15, 2023
~~January 10, 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	Return To The Motion And
Without document received per Respondents	Motion for Extension of Time
Motion To Dismiss	
which has not been supplied to me,	On February 14, 2023, it was brought to my at- tention that Respondent in case 2022-001815 Appellant Carolyn T. Smith,

Note, please:
Below find Appellants
response in the dark. As
Respondents has not noticed Appellant
of Motion to
Dismiss with
Prejudice. I heard
said accidentally by mine
Katelyn
whom I
called to
movement
in my case

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, the Appellant is willing to make statements in support of my appeal as I await a copy of Respondent's Motion to Dismiss. At this time, the Appellant requests an extension of time to respond, addressing any specifics in the Motion To Dismiss.

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

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

Mine

1 for

this batch

Key

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.

⑤ 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 facts; ④ in ignoring warnings per the drastic remedy that summary judgment is and why caution should be taken before it is ever invoked; ⑤ in not therefore, allowing trial by jury, if in order. ⑥ in its decision to add a sixth element to the five(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 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 8³/₄, Caring for Ma and Pa, Fred + Helen Tolbert, through 2003, December and thereafter ie 2003-2023 exclusive.

ly, consistently, giving tender, loving, devoted care to our parents who gave so much of themselves to five of us. One only was deceased. The only grandchildren who came were were Appellant's children; some uprooted from the college studies in their home state. ¶ 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;

¶ The Quiet Title Claim strictly counters the decedent, my mother's fervent desires expressed in her last Will And Testament i.e. <<Share And Share Alike>> which does not reference selling her property or burdening any of her children with taking on the load and care of putting the subject property under heavy mortgage in order to secure thousands of dollars to buy the interest of those who care nothing absolutely for "Preservation" of a phenomenal legacy of parents who burned out and died, "to leave us heirs to preserve the legacy not erase them, their efforts, their worthy legacy as great contributors to the state of SC, to their country while touching those who spread mother and daddy's gifts around the world; Waste to beat the nearly twenty years of ownership of said properties prompted the Cir-

03/14/2023

Memo

To: Members of The South Carolina
Court of Appeals

From: Appellant, Carolyn Tolbert Smith

Re: The three abnormal numbers of fil-
ings, 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 Mo-
tion 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, Feb. 10, 2023, fourteen days before
deadline to respond to said Motion, which Ap-
pellant learned about from Ms. Kateland inco-
identally 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 des-

perately 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 dead-

line Respondent's Notice arrived, requiring a

major rush and costly overnight mailing, to make

the Feb 21, 2023 deadline in four days. This egre-

gious, deliberate, desperate move to avoid mov-

ing to the appeal level is unforgivable. The

attorney advising me, feels that knowledge

of this information might have Respondents start^{over}
2,

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

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
03/01/2023
Enclosure(s) as stated

Respectfully,

Ashley G. Andrews

cc: Charles Tolbert

Note, Please: A severely egregious act here: Appellant, Carolyn Tolbert was not notified 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.

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 leave
about this matter of court's Cps

Sans vriendit & moi. 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 *Without my knowledge wherein a signature is required Cps*

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.

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.

Appellant was not privy of any of this

Judge Scarborough

Add this to material attached to Judge Scarborough's ↑ per Appellants mis-trial

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/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 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

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 SO CONSENT:

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

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

_____, 2022

*I am not
Counsel further
Counsel's
duty is to
Keep Defendant
informed of
It did not happen
here's my finding
all the time*

Copy 2

Exhibit C

Copy

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.)

Material complied with Rules, timeliness connected with critical, extenuated circumstances

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.

For lack of knowledge and facility of the South Carolina late Court Rules, Pro Se, Carolyn T. Smith

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.

Pray the SC Carolina CC in the m. where by the circuit court erroneously entered

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.

Receipt of that not do the impossible as responded to something not yet seen. Appellant filed a timely brief of disad wanted by court

Follow Appellate Court Rule, Appellate Court not do the impossible as responded to something not yet seen. Appellant filed a timely brief of disad wanted by court

[Signature page to follow]

Summary Judgment in its Order Judgment of Summary Judgment for Charles Tolbert at the Septem 21, 2022 Hearing. The genuine issues as to material fact were not argued not any of many issues as to material fact was argued. Attorney Melena prepared and sets a focus on arguing quiet title with Partition at my loss and at the gain of non-contributing heirs. Appellant Carolyn T. Smith, 83 year old widow would in place an egregious travesty of justice because Appellant needs a knowledgeable skilled counsel not yet agreeing to take the case. Since said violations were not corrected to perhaps deficiencies in Appellant's Initial Brief and with regard to Designation of Matter to be included in the Record on Appeal, Appellant at a hearing in the court to deliberate follow to follow the South Carolina

Exhibit C

Copy

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Timeliness con-
nected with cri-
tical, extenuated
Circumstances

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[Signature page to follow]
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Summary Judgment in its Order
Judgment of Summary Judgment
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Partition at my loss and
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of justice because Appel-
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ble skilled counsel not yet
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lated to perhaps deficiencies
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and with regard to Designa-
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For lack of knowledge and facilit
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Pray the S. Carolina C. includ in the n. Whereby the circuit court seriously was

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Summary judgment in its Order
For judgment of summary judgment
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[Signature page to follow]

Need to stay not do the impossible respond to something not yet seen. Appellant filed a timely brief of disavowed by court

Copy to
the court
Final
Entry of
Motion

Motion To Return To The Motion

Comes now most humbly in my strong de-
fence against Respondents' Motion To Dis-
miss, Appellant, Carolyn Tolbert Smith, Outlin-
ing, stating the facts, issues and reasons that
Respondents' motion To Dismiss with preju-
dice (Appellant's Appeal) in Case No. 2022-001815
is premature and without merit.

Respondents' attorney states the following:

In Henning v Kaye the appellants 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.

Appellant's Motion To Return To The Motion Postmarked 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 ~~off~~^{ten} later than the inside date of its existence ~~is~~^{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 deficiencies in the initial brief, in the, Designation of Matter, to be included in the Record on Appeal, The Supreme Court granted ~~the~~^{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 com-
 pletely 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 Hen-
 ning'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-specified 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^{any} 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 Respondents'

Motion To Dismiss, appellant responded blind-

ly^{earliest} 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 ^{(a) Also unmeritorious} 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 twenty-eight years, 8 years as primary caregiver, nineteen exclusively.

8

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

Carolyn Tulber Smith

338 Fifth Avenue

Mt. Pleasant, SC 29464

Attorney Ashley Andrews

1-843-216-6960

544 Savannah Hwy.
Chas., SC 29407

Carolyn T. Smith, Pro Se

Pro Se

This 21st Day of
February, 2023

5 sheets
copy 5

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-

COMPLAINT
(Quiet Title, Partition)

The Plaintiff, complaining of the Defendants herein, would respectfully allege and show unto this Honorable Court as follows:

1. All parties identified below hold an interest *unequal* in two (2) pieces of real property located at 338 5th Avenue, Mt. Pleasant, SC 29464 ("Property 1") and 0 6th Avenue, Mt. Pleasant, SC 29464 ("Property 2"), both of which are located in Charleston County, State of South Carolina

2. That the Plaintiff is a citizen and resident of the State of Georgia, but has an interest in above-referenced real property located in the County of Charleston.

3. Upon information and belief, Defendant Carolyn Tolbert Smith ("Carolyn") is a citizen and resident of the County of Charleston, State of South Carolina, and resides at 338 5th Avenue, Mt. Pleasant, SC 29464. *my sole home where I have lived winter*

rupted for 28 yrs. 1995-2023; notoriously actual; proven hostile; ousted all heirs unequivocally; actual exclusively; moved my family in and on to said, subject property before my parents left for heaven, ma' 2003, pa' 2000. this be-
4. Upon information and belief, Defendant Charles Tolbert ("Charles") is a citizen and resident of the State of New Jersey, but has an interest in the above-referenced real property located in Charleston County.

Came out exclusive permanent resident all other heirs except Sara Jo on more than one home at one time or
5. Upon information and belief, Defendant Betty Jean Tolbert Jones ("Betty") is a citizen and resident of the State of *NO* Virginia, but has an interest in the above-referenced real property located in Charleston County. *Wash, DC*

two Sara Jo had two homes; Charles has 3 homes in his ownership; speculation is that Charles may have insured or received life ins. benefits from the death of his mother, father and if his sister is deceased, from Charla too.

(1)

(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. *on whose authority? He is a lawyer. Both Defendant disagrees. Its never main intention.*

Charles nor Keith have any authority here in. and
23. That the parties to this action include all persons who presently have a recorded interest in the properties.

On the contrary sharing must be accomplished among no. of other ways. and
24. That the properties are incapable of being partitioned in kind. *Not so at all where there is a will there is away lots 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.

September 2, 2021
Charleston, South Carolina
21-280

*So did you
execute this
Strange new Deed
of Dist? Seem
a Respondent not*

Defendants

Plaintiff

*Appellant
prepared and signed
of Dist*

5

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

*Carolyn not
Said new Deed
Come Clean
Be honest, truthful*

AFFIDAVIT OF SERVICE

State of South Carolina

County of Charleston

Common Pleas Court

Keith L. Tolbert, et al, Plaintiff(s)

vs.

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

Case No: 2021CP1004058

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 PendensSummons and Complaint

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.

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.

Subscribed and sworn to before me this

7th day of September, 2021

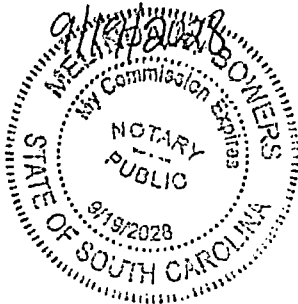
I certify that I am over the age of 18, have no interest in the above action.

Undersigned declares under penalty of perjury that the foregoing is true and correct.

Melinda K Bowers

NOTARY PUBLIC

My Commission Expires:

Travis Bowers II

Travis Bowers, II

Process Server

Southern Pride Process, LLC
 (803) 386-8559
 PO Box 7125
 Columbia, SC 29202-7125

SPP File: 130190-1Client File: 21-280

There are too many activities in this case loaded with mysterious decisions made omitting me, Appellant, appointed Repressor, Helen A Brant's estate. What is this?

Who are you? I have no recollection of said service. Prove it all!

Description proves that I was never served by you nor by any one.

Do you like often?

yes
copy B
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.

Am K
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:**

The Plaintiff, pursuant to Rule 33, SCRPC, 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 otherwise 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. *J. J. Vance, Lynnda, Warry, neighbor friends*
unfortunately Counsel did not use Defendant C. Tolbert Smith nor anyone named above here. Ejs

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, Brei' 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

Please see marginal notes on interrogatories per Betty Jean 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.

Roof replacement; ground build up; New HVAC A/R's; new toilets and faucets; improvement, and the cost incurred by you in making such improvement, if any.

7. Trees trimmed; yard care regularly; wall shelf fixtures in three rooms; new

7. Set forth an itemized list of any repairs made to the Property by you, or at your request, every

since 2015, including the approximate date the repair was made, a description of the repair, and the ^{USD} cost incurred by you in making such repair, if any.

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*

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. *AM Taxes & Ins. 2003-2022*

10. Set forth a list of any other pecuniary contributions made by you related to the Property

In and about 2012-2015 Kitchen Up dates; 2 window air-
since 2015, including dates, amounts, and descriptions of the contributions made. 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 ^{Defendant's deprivation of sleep, rest and environment left behind}

esses experienced by Defendant's Sons pulled away from their college studies to assist with said amounts. For any summary, accounting, or calculation provide the identity of the person(s) who round the

maged to my Children, taking the place of my Siblings or grand Children. 2 of them had to [Clock care
provided the information or performed the accounting or calculations and the information, documents, for then

with their or formula used. *Assisted Living calculation Cost saved by providing for our parents the*

12. Please identify any and all time periods that you resided at the Property, including your

age at the time and length of residency. 1960-21/1985-87/1995-2023. I am not here

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

1930-1931; 1936-37

1493 - present 2023 may
children exclusively 2015 - 23.

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*

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 Fifth Ave. NW Pleasant SC 29464*

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 member*

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. *No*

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*

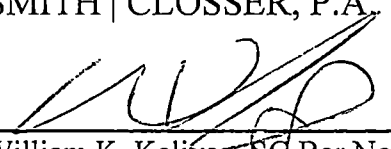
21. State with particularity the reasons why there was a delay in the filing and settlement of the Estate of Helen G. Tolbert, to include the recording of the relevant Deed of Distribution at issue in this case. *have been damaged by Xylom and SCFG Tree cutters and by*
Attorney Sara Jo Tolbert assured 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 research 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 will.*

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. *heirs who gave nothing See interrogatories. Cpt Other heirs gave nothing. But now they are demanding all. Cpt*

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

copy
1
FINKEL
LAW FIRM LLC

MALENA A. DINWOODIE, ESQUIRE
MDINWOODIE@FINKELLLAW.COM

REPLY TO:
CHARLESTON LITIGATION

December 15, 2022

Carolyn Tolbert- Smith
338 5th Avenue
Mt. Pleasant, SC 29464

RE: Keith Tolbert v. Carolyn Tolbert-Smith, et al.
Case No.: 2021-CP-10-04058
Our File No.: 91308.56985

08/08/2023
Please produce said letter

Dear Carolyn:

whose letter? Please note that there was no mutual agreement between counsel and me. She withdrew voluntarily.
I am in receipt of letter terminating my representation of you in the above-captioned matter. Please find enclosed a proposed Motion and Order for me to be relieved as counsel and to allow for you to proceed pro se unless you obtain other representation. In order to be relieved, I am required to submit the enclosed Order for approval by the Court. I am requesting that you please sign where indicated to confirm your consent. Please mail me back the original signature page so that I may submit for filing.

Tyrika is preparing a full copy of your file and will be forwarding that to you in the coming days. I am sorry to see our relationship end, however, I have enjoyed getting to know you, and I do wish you the best of luck moving forward. If there are any questions or concerns, please don't hesitate to reach out.

Sincerely,

FINKEL LAW FIRM LLC

Malena
Malena A. Dinwoodie

MAD/trs

Enclosure(s) as stated

Atty Dinwoodie remained my Atty through the above date long after the deadline for entry into for a filed Appeal Motion

Judges Entry of Summary judgment Nov 8 2021. Nov 8, if mailed then, caused an arrival date letter. Proof of my time of receipt of Nov 8, 2021 letter by me not timely enough to have allowed me 30 days to respond before date in Jan 2022

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 71727 (29415)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (866) 632-3055



1st attempt
responsibility

Note please
Below find Appen-
dents response in the dark. Per
respondents has not noticed Appellant

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
www.sccourts.org

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

Copy of Motion to
Dismiss with
Prejudice. I heard
Said accidentally by name
Katelyn
whom I
called to
movement
in my case

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		Return To The Motion
Response		And
Without	document received per	Motion for Extension of
Respondents		Time
Motion		

To Dismiss On February 14, 2023, it was brought to my at-
which has tention that Respondent in case 2022-001815
not
been sup-
plied to me, Appellant, Carolyn T. Smith,
1

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 dismissed:

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

I, the Appellant is the same. Temporarily I am without Counsel, without the skills of one trained in law and without a legal secretary i.e. 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 facts;
- ④ in ignoring warnings per the drastic remedy that summary judgment is and why caution should be taken before it is ever invoked;
- ⑤ in not therefore, allowing trial by jury, if in order;
- ⑥ in its decision to add a sixth element to the five (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 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. i.e. 8 $\frac{3}{4}$, Caring for ma and pa, Fred + Helen Tolbert, through 2003, December and thereafter i.e. 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. 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.

(b) The Quiet Title Claim strictly counters the decedent, my mother's fervent desires expressed in her Last Will And Testament i.e. <<Share And Share Alike>> which does not reference selling her property or burdening any of her children with taking on the load and care of putting the subject property under heavy mortgage in order to secure thousands of dollars to buy the interest of those who care nothing absolutely for "Preservation" of a phenomenal legacy of parents who, burned out and died, to leave us heirs to preserve the legacy not erase them, their efforts, their worthy legacy as great contributors to the state of SC, to their country while touching those who spread mother and daddy's gifts around the world. Haste to beat the nearly twenty years of ownership of said properties prompted the Cir-

4,

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

Note: Doc' prepared much earlier than said was mailed to Appellant, putting Appellant at a decided disadvantage. It's egregious. cja
Received Feb 18th
02/17/2023

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:

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
03/01/2023
2023 cja

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. cja

Cult Court to err in its haste in this
total matter. This left me finding im-
balance in the scales of justice. Appellant
seeks justice as the one child with the aid
of her child sustained the decent and her husband
substantially long before and during the years
1995-2003; maintained 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
100 Broad Street
Chas., SC 2940

SC Court of
Appeals
1220 Senate St
Columbia, SC 29201

Atty. Alwyn T. Silver
~~P.O. Box 16103~~ Queen St.
Georgetown, SC 29440

Beth J. Tolbert Jones
1311 Delaware Ave., S.W.
Apt. South 843
Washington, DC 20024

Atty Ashley Andrews
544 Savannah Hwy
Chas., SC 29407

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, SC 29464
1-843-216-6960

Atty. William Kalivas
7455 Cross County Rd.
Ste. 1
North Chas., SC 29418

Pro Se

Copy 2

All Parties
are getting
physical
material
to be put
up

Record on Appeal 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 Mike H. Scarborough,
giving, granting Summary Judgment
to Charles Tolbert, given name Charles Leon
McMillan, III. It is further, CASE No. 2021 CP 10 04058,
Appellant's Counterclaim
to Charles Tolbert's drastic claim of Quiet
Title - Partition is Pending; the Appellant's
Claim of title to Adverse Possession sup-
ported by Appellant's proof of having met
the requirements of satisfying all six re-
quirements (1)

quirements ie < Hostile¹, Continuous ie un-
interrupted residency on the subject prop-
erty, Open³, actual⁴, notorious⁵, exclusive⁶
euster (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 ~~4~~ 7 days before a required
response either one way or another >>
4. Appellants 1st response blindly without any
Knowledge of the contents of the Motion to
2

- Dismiss 5. The well delayed, written, Motion to Dismiss
 6. Interrogatories of parties
 7. A second copy of Appellant's Initial Brief.
 8. Appellant's proof of Power of Atty. for the decedent
 9. Sources consulted to verify allegations 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. Appellant's Motion To Return to the Motion timely mailed, February 21, 2023 by postmark to Appeal level.
 13. First answer to Motion to Dismiss mailed before 31st.
 14. The Last Will And Testament of the decedent.
- 3.

15. Some signed, return receipts from certified mailings to parties herein. 16. Copies of some photos of the subject property before destruction by Hurricane Inan either late 2022 or early 2023 and before SC&G and Xylem tree cutters destroy front fencing as they cut and allowed heavy limbs from trees to destroy some fencing; one damaged by deer.
16. Proof of deception accepted in Circuit Court per David Dist
17. Copy of a BK of Am. CR, showing joint ownership,
18. Page 3 of Sara Jo 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 Ballin
- 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... Plus Supplementals

(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 ^{known} 03/10/23

25. Summons (Quiet Title, Partition) filed by
s/William Kalivas pgs. 3, 4, 5

26. Answer and Counter claims filed by Ashley G.
Andrews, Oct 3, 2021, page 2, 3, 4, 5 - Counter claim Ap-
pellant contends its validity of 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 & Matter file date March 1, 2022 A
mended answer and counterclaim

29 Evaluations of each siblings contributions herein

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

Keith
Ans

PLAINTIFF'S RESPONSE TO
DEFENDANT CAROLYN TOLBERT
SMITH'S FIRST SET OF
REQUESTS FOR PRODUCTION

03/17/2023

Keith

Six (6) questions?

Note, please - Too few questions ask why?
to hide answers as "none" that
reference the total
absence of any con-
tributions at all
by Keith. cps

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 is claims. cps

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 / ^{never} RESPONSE: None 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.

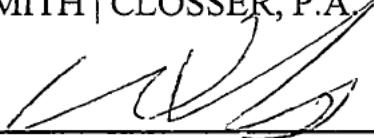
None 5. Any and all documents evidencing any contributions toward the Property made by Blanton William Tolbert, whether monetary or otherwise, that Plaintiff is aware of. *None*

None **RESPONSE:** ~~None that Plaintiff is aware of.~~ Discovery remains ongoing and this response *Never Supplemental* will be supplemented when any information relevant to this response is discovered.

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 possibility.*

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

yes
Copy Appellants Requests Charla + Charles

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 ob-
jections

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 me in interrogative
for Dr. Betty J. Jones up

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:

- Such stuffings and beating around the house*
- not a document as claimed hereupon*
- 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. egs*
- 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.*
- Non-existent* *None received by Appellant/Defendant earlier* 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 any.*
- Defendant reserves the right to supplement this Answer if more communications are discovered in his personal records. *None ever produced. egs*

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. Please see answers among affidavits on-*

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. Please see Betty J. Jones interrogatories 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 Charles, 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 Charles does e-mails. Oct 2022 Charles 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 receipt*
- b. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020 *folks*

Did Charles or Charles communicate respectfully with them giving a compassionate, kind grand-mother? No! But you want her property. Why? Greed? Envy? Further dis-counting? egs

normally send such communication certified return receipts egs

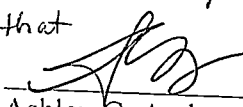
7. A complete copy of Decedent's probate file, including all forms filed with Probate Court to date and any amendments or exhibits to the same.

Answer: Defendant is providing copies of the documents herewith.

→ Defendant has not been privy of said documents cited here above and is concerned that said Defendant, Aunt Kay was never

not 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. *all are in question.*

Charleston, South Carolina
May 19, 2022


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

Certificate of Mailing

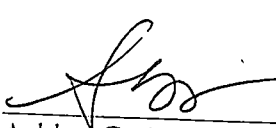
I certify that on this 19th day of May, 2022 the foregoing was served by United States Mail, postage prepaid and addressed as follows:

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.

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

not memories desire to keep this symbol of fond precious to some of who also gave so much to Fred & Helen as of the cherished memories of us except Charles. I crave preservation of the decedents nor any

Mine

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

544 Savannah Highway
Charleston, SC 29407
843.762.3554 | 888.393.5877 (f)
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February 10, 2023

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

Respectfully,

Ashley G. Andrews

Enclosure(s) as stated

cc: Charles Tolbert

My timely due response herein
is 03/17/2023
03/01/2023
Written Notice came giving me 4 days ans.
Note, Please: A severely egregious act herein
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 Ap-
pellant had 7 days not 30 days to respond to the Appeals
Court. Finally Feb. 18th Appellant received the motion. *cfh*

FINKEL
LAW FIRM LLC

TYRIKA R. SNIPES, PARALEGAL
TSNIPES@FINKELLLAW.COM

Andrews

July 6, 2022

REPLY TO:
CHARLESTON LITIGATION

Carolyn Tolbert-Smith
338 5th Avenue
Mt. Pleasant, SC 29464

RE: *Keith Tolbert v. Carolyn Tolbert-Smith; et al.*
Case No.: 2021-CP-10-04058
Our File No.: 91308.56985

*About Charles Leon
His ans. Interrogatories*

Dear Carolyn:

Enclosed please find a copy of Ashley Andrews, Esq. response First Set of Interrogatories and First Set of Request for Production for your records.

If there are any questions or concerns, please feel free to contact our office.

Sincerely,

Tyrina Snipes
Tyrina R. Snipes
Litigation Paralegal

MAD/trs

Enclosure(s) as stated

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 71727 (29415)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (866) 632-3055

Alicia Maine Smith
Atty. Sara J. T. Latham

Carolyn Tolbert-Smith
c/o Malena A. Dinwoodie, Esq.
Pinkel Law Firm, LLC
4000 Faber Place Drive, Suite 450
N. Charleston, SC 29405

Betty Jean Tolbert Jones
1311 Delaware Avenue SW, Unit South 843
Washington, DC 20024

No written or recorded statements have been taken from any of the foregoing individuals.)

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

we conversed by telephone conference call
Name names impossible - none is allowed in my home
Answer: All witnesses listed in the Answer to Interrogatory No. 1 are expected to testify to family history, the ownership of the Property, and the condition of the Property from 2000 to the date of the final hearing in this matter. *Some know of the repairs, maintenance*

2) extreme love and care for Helen & Fred Tolbert at all levels. (Extensive)

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.

Answer:

All deeds and the plat mentioned below were recorded in the Charleston County Register of Deeds Office.

- According to which Deed of Distribution?*
Defendant, Carolyn, disagrees with the Dist. Atty, each is due a fair not equal share, etc.
- a) Deed recorded in Book 0188, page 003
 - b) Deed recorded in Book 0209, page 303
 - c) Deed recorded in Book 0209, page 305
 - d) Deed recorded in Book 0306, page 283
 - e) Deed recorded in Book 0654, page 353
 - f) Deed recorded in Book 0933, page 418
 - g) Deed recorded in Book 1002, page 233
 - h) Plat recorded in Book D, page 180
 - i) Fred William Tolbert Estate File (Charleston County Probate File No. 2001ES10-01196)
 - j) Helen Alice Grant Tolbert Estate File (Charleston County Probate File No. 2010ES10-01356)
 - k) Charla Tolbert McMillian Estate File (Charleston County Probate File No. 2021ES10-00675)

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

4. below
urgent
request

Complete mysteries remain with Defendant, Carolyn Tolbert Smith, regarding my niece, Charla Tolbert McMillian. Kindly bring me up to date with official documents

*where is she
who
How?
when
where is she*

Charles

Written responses pertain to the
Defendant/Appellant - Confusion on
my part, utterly "None" are

None 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.

Charles's
responses
and/or
Charles's

None Answer: None Roof installed; HVAC installed New Kitchen \$1,400.00 Fridge; ground buildings; Sliding glass door repairs; Shelves applied to 3 walls; toilet + faucets reconnected and placed in.

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.

Side of Tree
Window
Trimming 3
occasions;
A/c conditions on
top level; Yard Care

None Answer: None.

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.

None Answer: None. See # 6 Repairs and upkeep and contributions of improvement (S).

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.

None Answer: None. Beginning 2003 forward to 2022 + 2021 taxes paid by Defendant herein responding, Carolyn Tolbert Smith.

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.

None Answer: None. Portions of Kitchen restoration

10. Please identify any time periods that Defendant resided at the Property, including this age at the time and length of residency. 1995 to present consistently proven by Affidavits and by my employment.

Never Answer: Never. The Property has never been Defendant's primary residence. Said became my property by P. A. and control of my parents health welfare and fi-

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. Defendant Carolyn T. Smith resides here at all times 1995-2023 and be-

Answer: Carolyn T. Smith is the only Defendant in this matter, fore all others are plaintiffs who contribute nothing off

a) December 31, 2003, family visit following Helen Tolbert's funeral, approximately five hours

b) July 2008, family visit, approximately 2 hours ? Is/was it the time you came (w) friend, Ana to ask me about your

c) June 2015, family visit following Blanton Tolbert's funeral, approximately one hour stake

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' said inquiries all took place in the Distri-

by telephone or e-mail to Ave as she prepared for her finale, you, Charles came for Pa + Ma's funerals Sept. 2000 and Dec. 2003 and to invite Ave to share a restaurant routine which we sound pleasant.

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
- b) A 10% interest in the subject Property to be conveyed to Charles Tolbert from the Estate of Charla Tolbert McMillian, inherited property *Where is Charla?*
- c) 237 Mulberry Road, Ramsey, NJ 07446, primary residence
- d) 1927 Lorick Avenue, Columbia, SC 29203, childhood home which is currently a rental property *② 1115 Franklin Turnpike #259 Mahwah, NJ 07430*
Add → Primary resident →

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

c) Are there any other court matters relevant to this case No. 2021 CP 10 04058?

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, Charla Tolbert McMillian, and Ave Smith. The subject of the communications was ownership of the subject Property and the Estates of Fred and Helen Tolbert.

Admit you can and must

part of

Charla?

⑭ Defendant mailed to me a document, showing his assumption per the outcome of the case here - is disputed. His correspondence proved that he has communicated with a real estate agent (local) to sell our (all three) property. Why? There could be others what is this Plaintiff/Defendant denying that all involved should be privy of - of which all should be privy?

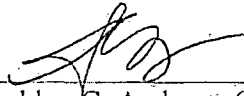
Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, SC 29407
843.762.3554
andrews@lafondlaw.com
Attorney for Charles Tolbert
Attorney for Charles Tolbert, Personal Representative for Estate of Charla Tolbert McMillian

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.

None presently.

*? where are they?
cfr*


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

copy
or more
I Dist

Charla Charles Leon's responses herein

Below
or
herein
find
this
duplicate
of same
mixed to
all parties

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.

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
Charles?? Solve

ANSWERS TO DEFENDANT CAROLYN TOLBERT-SMITHS'S FIRST SET OF
INTERROGATORIES

this mys-
tery,
please.
ep

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

Find below
Charles' ans. plus, which
Deed of Dist is
shown herein?
Who signed
said?

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. *never*

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. *never*

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. *never*

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. *never*

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. *never*

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

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 w/ the Anna to check on my plan to include her in the share of the inheritance*
- a) December 31, 2003, family visit following Helen Tolbert's funeral, approximately five hours *then a share of the inheritance*
- b) July 2008, family visit, approximately 2 hours. *why? Charles came to inquire about*
- c) June 2015, family visit following Blanton Tolbert's funeral, approximately one hour *this is interest in the house*
- 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 spec. He did not speak to Grandma just said, 'she looks good'

So with no contributions remain you'd be described as a freeloader, right?

Really?

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. Mahanah, NJ. Apt 259?*

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.

Charles omitted later address 115 Franklin Turnpike Apt 259 is this not a Condominium? When known?

Answer:

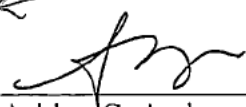
- a) Sarah Tolbert Latten vs. Betty Jean Jones, et al., 2018-CP-10-02242, Charleston County, South Carolina, dismissed on June 21, 2019
- b) Defendant is an attorney and has been involved in numerous matters as legal counsel in Federal Court *Name and prove said involvement TCB how*

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, Charla Tolbert McMillian, and Ave Smith. The subject of the communications was ownership of the subject Property and the Estates of Fred and Helen Tolbert.

just after a Conf call per distribution therein. Charla dis appears? CP

Ans. is not true, Charles spoke to Appellant as owner Sale owner of the subject property with which Charles has no involvement. Running scared of my suit 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's she? 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

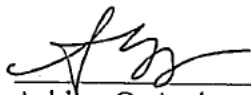
I certify that on this 19th day of May, 2022 the foregoing was served by United States Mail, postage prepaid and addressed as follows:

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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

4
Plaintiffs

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
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:

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

*Through a Conference call,
in general, others knowledgeable
herein are:
Carolyn D. Smith, 338 Fifth Ave Mt. Pleasant SC
Dr. Betty J. Tolbert Jones, 1311 Delaware Ave, S. 62 Apt
843 South Washington, DC 20024-3977
Ave-Marie Smith - 338 Fifth Ave
Mt Pleasant, SC 29464
Atty. Sara J. Tolbert Latten
7095 Hollywood Blvd
#597, Hollywood, CA 90028
All Lea, has knowledge via court, US mail
or Conference call(s)*

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:

- (a) Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on August 25, 2020. *One letter received from Plaintiff Keith via u. mail*
- (b) Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020. *Defendant*
- (c) Document entitled: *Re: Helen G. Tolbert Claim - SC State Treasurer's Office Property ID Number 1144208*. Defendant has no know re Carolyn *Carolyn aware of said letter*
- d. Email communications from Defendant to various family members, emails were sent on July 20, 2020 and January 4, 2021. *To whom was any e-mail address ed? Defendant has no e-mail address, therefore Defendant reserves the right to supplement this Answer if more communications are discovered in his personal records.* *receives none.*
- Carolyn has 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.

None Answer: *None.* *This is true regarding both Plaintiffs in said matter and all Defendants except Carolyn Tolbert Smith.*

4. Any and all documents evidencing Defendant's non-monetary contributions toward the Property. *Documents being finalized as of JL 2022* *(4)*

None Answer: *None.*

5. Any and all documents evidencing any contributions toward the Property made by Decedent, whether monetary or otherwise, that Defendant is aware of.

None Answer: *None.*

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:

- a. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on August 25, 2020. *Defendant unaware of said letter. How was it sent, please*
- b. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020. *Re: Oct 7 2020, please see response in, "b" above herein*

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 BETTY JEAN TOLBERT ✓
JONES' RESPONSES TO DEFENDANT
CAROLYN TOLBERT SMITH'S FIRST
SET OF REQUESTS FOR
PRODUCTION

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

DOCUMENTS TO BE PRODUCED *Never Produced*

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

RESPONSE:

The Deed of Distribution and The Last Will and Testament of Helen Grant Tolbert. *only one was signed by Carolyn Tolbert Smith in 2011. Any other accusing me Appellant of having*

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

RESPONSE:

The Deed of Distribution and The Last Will and Testament of Helen Grant Tolbert.

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. *ie Betty Jean Tolbert Jones*

RESPONSE: *Never*

None at this time. *Never*

4. Any and all documents evidencing Defendant's non-monetary contributions toward the Property.

RESPONSE: *None*

None at this time. *Never*

I was named as a Defendant in the Case. However, I did not support the litigation and did not participate in any capacity. I believe that these are the dates of the Cases.

1st Case-6/4/2018 Dismissed 6/24/19

2nd Case-1/1/2019. Dismissed 9/23/2019

} one case, I believe, two levels - Circuit & Appellate

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 communication.

RESPONSE:

Please see my Defendant's response to Interrogatory Number 1 to obtain the list of all individuals with whom I have communicated or been contacted by regarding the Property and /or allegations contained in the Complaint. All communications between the heirs relevant to this request have been ongoing since 2020.

Sincerely,

/bjtjones/

Betty Jean Tolbert Jones

May 11, 2022

202-554-0901

bettyjeantolbertjones@yahoo.com

Defendant - Pro Se

5. Copies of any communications received or sent by Defendant from or to any other person or entity in relation to the Property and/or allegations in her Answer.

RESPONSE:

All communication between the heirs relevant to this request has been ongoing since 2020.

Sincerely,

/bjtjones/

Betty Jean Tolbert Jones

1311 Delaware Avenue SW, Unit South 843

Washington, D.C. 20024

202-554-0901

bettyjeantolbertjones@yahoo.com

May 12, 2022

among Heirs concerning ouster and reacting nervously among Heirs banded and filed the drastic Quiet Title claim. Indication of proof the appellant was viewed as the exclusive possessor of the subject property he had lot 326 and 327 in Mt. Pleasant SC 29464.

Defendant – Pro Se

Letters ✓

TO: Counsel
For: Appellant

+ From:

Appellant,

Carolyn T. Smith

Corys

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

12/11/2022 → Note: Dec 8th

Attorney Malena A. Dinwoodie
4006 Faber Place Dr. # 450
North Chas., SC 29405-8556

was claimed as
time statute
to have met.
Counsel was
still Counsel
for Appellant

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 ProSe. Further I must
inform you and the Chas. County Courts that
I, am now relieving you of representing me
as my attorney in CASE NO.: 2021 CP 10
04058, as of December first and thereafter.
Thank you for services that I believe to be in-
sufficient at this point. To continue on the/any
Alternative Course is hugely without guaranty of
my prevailing as I look forward to doing there-
after.

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
with me. She learned of before I did. I would have acted earlier
sooner, worse - she → judgment refused to appeal

yours truly,

Mona C. Smith
Carolyn Tolbert Smith

*Tel. 1-843-216-6960 Carolyn Tolbert Smith
338 Fifth Ave
Ct-786-325-2704 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 herein.
Re 04/16/22 and 11/30/22

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 a-
mong all concerned. I appreciate your ex-
pertise so desperately necessary to pre-
vail in the dispute. I have a request of you.
In our fiduciary relation, my acute
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 La Tol-
bert and Charles Leon McMillian AKA Charles
Tolbert. My part in this battle against the foe is
to remain privy of their weaponry and to counter
with more massive weaponry an 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 pre-
pared to discuss the matter with you.

I anxiously await your
response.

Respectfully,
Carolyn Tolbert Smith

I'm attempting to save time + cut costs.

Carolyn Tolbert Smith
338 Fifth Avenue
Mt. Pleasant, SC 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. Snipe(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 Broad 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 our 4 heirs. Plaintiff's 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 any-

* thing. 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-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 a 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 agreed to add to the present dwelling, rent the space and provide joint income forever which I suggested about yr. 2000. Sara Jo said No.

Yours truly
Carolyn J. Smith

A

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

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

Dear Attorney Din Woodie:

99

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 Consideration-Continued. Please See pg 3a next pg

10 Addition: Per Contributions and, "Share And Share
*Alike" this goes to Bible, "you reap what you sow," for
stocks and Bk accts. Get out only what you put in.
And bless are Fiduciary Relation. c/s.

Count

Would first be which heir has primary
vested interest in said property, + parents
the dwelling place and adjacent lot
ie #3276 and #327 located in Remley's
Point, Christ Church, Scanlonville,
Mt Pleasant, SC 29404. All contribu-
tions toward keeping and main-
taining said property, including but not
limited to payment of all taxes; total care and
welfare of Mrs. H. D. Tolbert and Fred
W. Tolbert on every level i.e. - Spiritual physical,
physiological i.e. medical, hospitalizations, so-
cial, emotional, travel psychological (health
resort), entertainment (restaurant visits) + more,
who were the only day to day contributors?

I, Carolyn J. Tolbert Smith and family. In
addition, I lived here on the properties, one
tract of land continuously from 1995- to pre-
sent and cared for my parents (our parents and
grandparents 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 could
remain on said tract of land as long as we wanted.
So here we are, To mitigate the change of
heart and mind, I offered to buy out Sara,
Sara refused, saying Sell. At the Appeals level. She lost.

Another issue and extreme concern is the death
of Charles Tolbert per a death cert, Autopsy and is denied
by Charles Tolbert, why? We need Charles last will
and Testament. She was married at some point. She
reportedly was found dead, so no
investigation? Red Flag
per one with motive and opportunity.

Carolyn J. Tolbert Smith

Copy
Cover & more
none

Per → Charla + Charles Leon McMillian
A.K.A Charles Tolbert

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.

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
Charla?? Solve

ANSWERS TO DEFENDANT CAROLYN TOLBERT-SMITHS'S FIRST SET OF
INTERROGATORIES

this myster-
tery,
please.
CPL

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.

Below, please find Charles' ans.

Answer:

Charles Tolbert, Esq.
c/o Ashley G. Andrews, Esq.
LaFond Law Group, PA
544 Savannah Highway
Charleston, SC 29407

1-13
plus

Keith Tolbert
c/o William K. Kalivas, Esq.
Smith | Closser, PA
PO Box 40578
Charleston, SC 29423-0578

Defendant stopped by just before 2003 to ask Aunt Kay
about my intentions per my sharing per the subject property
told same. He did not speak to me. I did not see him. I did not see him.

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, Mahanah, NJ. Apt 259?*

Charles omitted later address 115 Franklin Turnpike Apt 259 is this not a Condo?
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. *Nothing known*

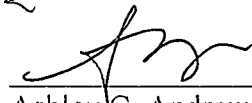
Answer:

- 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 prove said involvement TBA 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. *just after a Conf call per distribution therein Charla dis-appears? cpl*

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 suit including him in the distribution as Charles wished. He wants a full share in the matter and ignores "Get your FAIR Share and you'll Reap what you sow."


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

Charla

Where's she? cpl

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

Carolyn Tolbert-Smith
c/o Malena A. Dinwoodie, Esq.
Finkel Law Firm, LLC
4000 Faber Place Drive, Suite 450
N. Charleston, SC 29405

Betty Jean Tolbert Jones
1311 Delaware Avenue SW, Unit South 843
Washington, DC 20024

No written or recorded statements have been taken from any of the foregoing individuals.

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

Answer: All witnesses listed in the Answer to Interrogatory No. 1 are expected to testify to family history, the ownership of the Property, and the condition of the Property from 2000 to the date of the final hearing in this matter.

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.

Answer:

All deeds and the plat mentioned below were recorded in the Charleston County Register of Deeds Office.

- a) Deed recorded in Book 0188, page 003
- b) Deed recorded in Book 0209, page 303
- c) Deed recorded in Book 0209, page 305
- d) Deed recorded in Book 0306, page 283
- e) Deed recorded in Book 0654, page 353
- f) Deed recorded in Book 0933, page 418
- g) Deed recorded in Book 1002, page 233
- h) Plat recorded in Book D, page 180
- i) Fred William Tolbert Estate File (Charleston County Probate File No. 2001ES10-01196)
- j) Helen Alice Grant Tolbert Estate File (Charleston County Probate File No. 2010ES10-01356)
- k) Charla Tolbert McMillian Estate File (Charleston County Probate File No. 2021ES10-00675)

*Explain, what deeds?
which -
The deed which ever is recorded
in so many books?*

*when and where is information on Charla's mysterious death?
The whole family needs to know why no autopsy and why cremation and
why so sudden a death just after the heirs conference call per monetary property settlement.*

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

*None allowed by the Honorable
McKell Scarborough. epp
September 21, 2022*

Cover from
AUS. Per → Charl + Charles Leon McMillan
A.K.A Charles Tolbert

STATE OF SOUTH CAROLINA

I Dist
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 McMillan,

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 McMillan, 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
Charles? Solve this myster-
y, 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

Below find Charles' answers 1-13 plus ABC's
CP

Charles + Charla's Ans. cp

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.

Answer: The Property has never been Defendant's primary residence. True/yes/None

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

- a) December 31, 2003, family visit following Helen Tolbert's funeral, approximately five hours ~~to give me the deed~~ ^{him in a share of the inheritance}
- b) July 2008, family visit, approximately 2 hours. why? Charles came to inquire about
- c) June 2015, family visit following Blanton Tolbert's funeral, approximately one hour ^{this was}
- d) Brief visits over the last twenty years, exact dates unknown, family visits and attempts ^{to get in} to obtain copies of family photographs and other heirlooms, each visit approximately ^{the land} an hour.

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 Aunt Kay. Charles looked at Helen's ^{did not speak to her embrace her} ^{all}

So with no contributions herein you'd be discredited as a freeloader, eh?

Really?

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. Mahanah, NJ. Apt 259?*

Charles omitted later address 115 Franklin Turnpike Apt 259 is this not a Condo
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. *ruin witness know*

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 prove said involvement. 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, Charla Tolbert McMillian, and Ave Smith. The subject of the communications was ownership of the subject Property and the Estates of Fred and Helen Tolbert. *just after a Conf call per distribution therein Charla dis-appears? 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 suit including him in the distribution as Charles wished. He wants a full share in the matter and ignores "Get your FAIR Share and you'll Reap what you sow."

for

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

Charla

Where is she? CP

Charleston, South Carolina
May 17, 2022

Certificate of Mailing

I certify that on this 17th 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

Carolyn Tolbert-Smith
c/o Malena A. Dinwoodie, Esq.
Finkel Law Firm, LLC
4000 Faber Place Drive, Suite 450
N. Charleston, SC 29405

Betty Jean Tolbert Jones
1311 Delaware Avenue SW, Unit South 843
Washington, DC 20024

No written or recorded statements have been taken from any of the foregoing individuals.

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

Answer: All witnesses listed in the Answer to Interrogatory No. 1 are expected to testify to family history, the ownership of the Property, and the condition of the Property from 2000 to the date of the final hearing in this matter.

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.

Answer:

All deeds and the plat mentioned below were recorded in the Charleston County Register of Deeds Office.

- a) Deed recorded in Book 0188, page 003
- b) Deed recorded in Book 0209, page 303
- c) Deed recorded in Book 0209, page 305
- d) Deed recorded in Book 0306, page 283
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- i) Fred William Tolbert Estate File (Charleston County Probate File No. 2001ES10-01196)
- j) Helen Alice Grant Tolbert Estate File (Charleston County Probate File No. 2010ES10-01356)
- k) Charla Tolbert McMillian Estate File (Charleston County Probate File No. 2021ES10-00675)

Explain, what deeds? which? up
The deed which ever is recorded in so many books? up

when and where is information on Charla's mysterious death? The whole family needs to know why no autopsy and why cremation and why so sudden a death just after the heirs conference call per amicable property settlement

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

*None allowed by the Honorable
McKell Scarborough. up September 21, 2022*

yes
the
by 10/4/21 separate

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
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:

ANSWERS TO DEFENDANT CAROLYN TOLBERT-SMITH'S FIRST SET OF
INTERROGATORIES

I. 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

Through a Conference Call,
from general, others knowledgeable
Carolyn D. Smith 338 Fifth Ave Mt. Pleasant, SC
Dr. Betty J. Tolbert Jones 1311 Delaware Ave, S.W. Apt
843 South Washington, D.C. 20024-3171
Ave-Marie Smith - 338 Fifth Ave
Mt Pleasant, SC 29464
Atty. Sara J. Tolbert Latten
7095 Hollywood Blvd
#597, Hollywood, CA 90025
All Lea. has knowledge via court, US ma
or Conference call(s)

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:

- (a) Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on August 25, 2020. *a) One letter received from Plaintiff Keith via mail*
 - (b) Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020. *b) Defendant*
 - (c) Document entitled: *Re: Helen G. Tolbert Claim - SC State Treasurer's Office Property ID Number 1144208* Defendant has no know re (c) *Lawrence said he*
 - d. Email communications from Defendant to various family members, emails were sent on July 20, 2020 and January 4, 2021. *To whom was any e-mail addressed? Defendant has no e-mail address, therefore*
- Defendant reserves the right to supplement this Answer if more communications are discovered in his personal records. *receives 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.

None Answer: *None.* *This is true regarding both Plaintiffs in said matter and all Defendants except Carolyn Tolbert-Smith*

4. Any and all documents evidencing Defendant's non-monetary contributions toward the Property. *Documents being finalized as of JL 2022*

None Answer: *None.*

5. Any and all documents evidencing any contributions toward the Property made by Decedent, whether monetary or otherwise, that Defendant is aware of.

None Answer: *None.*

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:

- a. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on August 25, 2020. *a) Defendant unaware of said letter. How was it sent, please*
- b. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020. *b) Re: Oct 7 2020, please see response in, "a" above herein*

yes
the
by 10/28/21
Mink

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
INTERROGATORIES

TO: MALÉNA 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:

ANSWERS TO DEFENDANT CAROLYN TOLBERT-SMITH'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

Through a Conference Call,
from general, others knowledgeable
Carolyn D. Smith, 338 Fifth Ave Mt. Pleasant, SC
Dr. Betty J. Tolbert Jones, 1311 Delaware Ave, S. 2nd Apt
843 South Washington, DC 20024-37
Ave-Marie Smith - 338 Fifth Ave
Mt Pleasant, SC 29464
Atty. Sara J. Tolbert Latten
7095 Hollywood Blvd
#597, Hollywood, CA 90028
All/ea, has knowledge via court, US mail
or Conference Call(s)

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:

- (a) Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on August 25, 2020. *One letter received from Plaintiff Keith via mail.*
- (b) Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020. *Defendant aware said letter.*
- (c) Document entitled: *Re: Helen G. Tolbert Claim ~ SC State Treasurer's Office Property ID Number 1144208*. Defendant has no knowledge. *(c)*
- d. Email communications from Defendant to various family members, emails were sent on July 20, 2020 and January 4, 2021. *To whom was any e-mail addressed? Defendant has no e-mail address, therefore Defendant reserves the right to supplement this Answer if more communications are discovered in his personal records.*

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.

None Answer: *None.* *This is true regarding both Plaintiffs in said matter and all Defendants except Carolyn Tolbert-Smith.*

4. Any and all documents evidencing Defendant's non-monetary contributions toward the Property. *Documents being finalized as of JL 2022.*

None Answer: *None.*

5. Any and all documents evidencing any contributions toward the Property made by Decedent, whether monetary or otherwise, that Defendant is aware of.

None Answer: *None.*

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:

- a. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on August 25, 2020. *Defendant unaware of said letter - How was it sent, please*
- b. Letter to Carolyn Tolbert-Smith a/k/a Aunt Kay from the Defendant on October 7, 2020. *Re: Oct 7 2020, please see response in, "b" above herein*

I'm Blessed

I'm so blessed

On my best days I'm a child of God
on my worst days " " " " "

Any day is a good day

Copy - only this page
5/17/22, 9:24 AM

Copy #



Gmail

Charles Leon's request to visit refused on and about ← Turning out
2/14/2021
This Charles saw as Hostile - Hostility is wrapped in advers behavior
CPS

Gmail - Re: Tolbert Photo scans

Charles Tolbert <cggtesq@gmail.com>

Re: Tolbert Photo scans

1 message

Charles Tolbert <cggtesq@gmail.com>

Mon, Jan 4, 2021 at 6:07 PM

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

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.

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.

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

*Trusted again
Charles asked to
visit suspect property (Dwelling)
We refused him
CPS*

*In and about this date
we did not allow trusted
Charles visit he re-
quested
CPS*

Exhibit I

per
Hostility
and Exclusive
Ownership Possession

I saw that
you omitted
this as one of your
real possessions

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

VIA EMAIL AND POST

Aunt Kay is and was understood to
not be interested saying 8/25/20
Day is my first time made seeing up this

I'm not seeing
letter 03/17/2023
E-mails
and you are aware of it
I don't
know a thing
about
E-mails
Cps

Dear Aunt Kay: We 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.

Not Charles She
only Charles
with me catch-
ing up. Try
truth, Charles
Aunt Kay
Cps

Line 3 above - you know Charla never said anything
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 under-
line
prompt-
ed the
drastic
Quiet
Title
Hostility
on
my part
their response
typ.

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

Re-
sponse
Plaintiff
Kath
Charles
et al. re-
ceived from
me a writ-
ten state-
ment from
my Appel-
lant Caro-
lyn Smith
an out-
line, list-
ing the

formulation are they derived so we can put the numbers in some context.
evidence that Plaintiff's own. 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.

Stay safe and well,
Charla and Charles

Contributions
that each plain-
tiff made to the
decedents Fred &
Helen Tolbert, said
heirs found that I
was hostile. So they filled out

Carl pointed out to them how mini-
mize their contributions were
and are that they in a separate saw hos-

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

Charles further emphasizes
Appellant's own ship. It proves the turning-
out.

This 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 saw any by the US mail why not certified as Aunt Kay does respectfully?

You set it up since you know how, cph

Use "Ma Bell" person-to-person mails I do.

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 hosti-
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

Copy this pay

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 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

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

$\$305.00 \div 5 = \$61.00$ for Betty Jean Blanton + Kay

Please note that Charles and Charla received over payments in my distribution of mother's (Mrs. H. G. Tolbert) retirement monies of \$12,000.00 described by official documents. What is this money remaining from the total begun originally at the moment of retirement. If defendant stands corrected, if not Charles + Charla need to return a portion of Mom's retirement monies, if I made said mistake. Who has claimed it? If I did you received a share? All Respond? as

February 9, 2023

SC Bar No. 76667)

Re: Charles T. + Keith T.

(one)
(file)

ents Charles Tolbert
Tolbert McMillian

As 01/17/23
After attempting
negotiating with
heirs, said heirs
refused to re-
negotiate. Instead
the heirs by Keith
and Charles, es-
tranged grandsons
and nephews of mine
Almont
Kauz

C Their grandmothers
mar for their grand-
father. They be-
have like greedy
abject. 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? Cps

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

September 29, 2020

From Keith

Dear Aunt Carolyn,

A month ago, Aunt Betty Jean, Charles, Charla and I responded to your settlement proposal except to 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

Not Charla. She never agreed. So where is she now?

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

Note, please: Fred W. Tolbert taught my siblings and me that a liar will steal and a thief will kill!

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

KT031

Extremely Urgent are memos here below, explain

The serious adversity below and present and hereafter
all such diabolical indicated herein is drenched
in hostility by my proposals of a settlement

August 27, 2020

Further, please recognize the lengths these Plaintiffs
herein Aunt Carolyn, have taken this matter, 2021 CP 10 04058, re Quiet Title
Claim to

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 greediness. 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.)

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 on your quest only

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. yours unreasonable herein due to your ignorance nephews, study law, etc

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

Irrelevant
See CS- 048
file of Blanton

Aunt Kay
I'd already
address all
your now rele-
vant concerns

I, Appellant Carolyn Smith
is now, January 20, 2023, primary
of the above Horbin, thorough hers
simply insists upon requests upon request
and demands for me to address that which
is irrelevant no negotiating has
taken place

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

Keiths

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 nephew*
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's responses)

RESPONSE: ~~None~~^{either} 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

*Never in his
life time.* at the time and length of residency.

RESPONSE: Plaintiff ^{visited} spent 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 grand father's funeral to line up for the funeral. Keith refused to honor his grand mother's funeral*

RESPONSE: Please see Plaintiff's response to Interrogatory No. 10. *Above = 1 But is now let in line to grab her financial records*

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 *How Saver How Shameful!* 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 paid 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 - 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', aunts, other? Plaintiff's?*

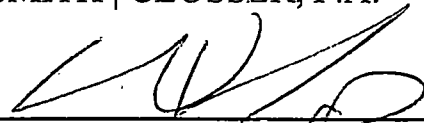
RESPONSE: Please see Plaintiff's response to Interrogatory No. 1 for a list of all individuals not mentioned below who Plaintiff has communicated with, or been contacted by, regarding the Property and/or allegations contained in the Complaint. All communication between the

↓
omitted me,
Aunt Kay when
his contacts
were by E-mail

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:

- 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. *No person knew which*
Extensive knowledge of the details concerning the current litigation based on her review from handling the Estate of Blanton William Tolbert. *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

up all
Do the more

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

Keith's

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's responses

- Keith Tolbert - Estranged nephew
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

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- Charles Tolbert, Esq.

(Keith's responses)

RESPONSE: *None* 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* 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* 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* 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* 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* 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

*Never in his
life time.*

at the time and length of residency.

RESPONSE: Plaintiff ^{visited} spent 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's funeral to line up for the funeral. Keith refused to honor his grand mother's funeral*

RESPONSE: Please see Plaintiff's response to Interrogatory No. 10. *Above = 1 But is now in line to grab her financial resources!*

12. Describe any pecuniary contributions made by Blanton William Tolbert toward the *How Saver How Shameful!*

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.

RESPONSE: Plaintiff is not aware of any pecuniary contributions made by Blanton William

Tolbert during the period of 2000-2015. *Defendant paid him \$100.00 per wk to sit (w) Ma + Pa for a while 1998-2000*

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

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*

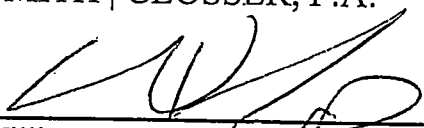
RESPONSE: Please see Plaintiff's response to Interrogatory No. 1 for a list of all individuals not mentioned below who Plaintiff has communicated with, or been contacted by, regarding the Property and/or allegations contained in the Complaint. All communication between the

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Aunt Kay when
his contacts
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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:

- 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. *No person knows which*
Extensive knowledge of the details concerning the current litigation based on her review from handling the Estate of Blanton William Tolbert. *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

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
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TO: MALENA A. DINWOODIE, ESQUIRE, ATTORNEY FOR DEFENDANT
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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 nephew*
c/o Smith Closser, PA
7455 Cross County Road, Suite One
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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.

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- Charles Tolbert, Esq.

(Keith's responses)

RESPONSE: ~~None~~^{either} 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.

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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

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life time.*

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RESPONSE: Plaintiff ^{visited} spent 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's funeral to line up for the funeral. Keith refused to honor his grandmother's funeral*

RESPONSE: Please see Plaintiff's response to Interrogatory No. 10. Above = 1 *But is now in line to grab her financial resources! How Sauer! How Shameful!*

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.

RESPONSE: Plaintiff is not aware of any pecuniary contributions made by Blanton William

Defendant paid him \$100.00 per wk to sit (w) Ma' + Pa' for a while 1998-2000
Tolbert during the period of 2000-2015.

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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? Grandmother's 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

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SMITH | CLOSSER, P.A.



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wkalivas@scnlaw.com
Attorneys for the Plaintiff

May 10, 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,
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None **RESPONSE:** Plaintiff is not aware of any pecuniary contributions made by Blanton William Tolbert during the period of 2000-2015. *Defendant paid him \$100.00 per wk to sit (w) Ma' + Pa' for a while 1998-2000.*

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None in the area of Stone Mountain?

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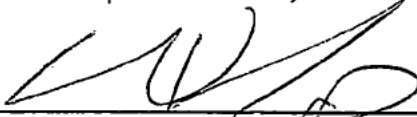
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SMITH | CLOSSER, P.A.


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(843) 552-2678 facsimile
wkalivas@scnlaw.com
Attorneys for the Plaintiff

May 10, 2022
Charleston, South Carolina
21-280

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 25 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*

Copy

I certify that I have served the Supplement To Motion To Reinstate, my motion, on all Parties listed below, by U.S. Mail, with sufficient postage, Certified with return receipt, on April 24 2023. I added Record On Appeal + Designation.

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

Mme CJJ
Carolyn T. Smith

2. Alwyn Taylor Silver, Esq.
P.O. Box 1665
Georgetown, SC 29442

3. William K. Kalivas, Esq.
7455 Cross County Rd.
Ste. 1
North Charleston, SC 29418

4. Ashley G. Andrews
544 Savannah Hwy.
Charleston, SC 29407

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

5. The South Carolina Ct of Appeals
1220 Senate St.
Columbia, SC 29201

The Court of Appeals
1220 Senate Street
Columbia, SC 29207



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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FAX: (803) 734-1839
www.sccourts.org

RECEIVED

APR 25 2023

SC Court of Appeals

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.

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APR 25 2023

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The SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

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