

The South Carolina Court of Appeals

Keith L. Tolbert, Respondent,

v.

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

Of whom Carolyn Tolbert Smith is the Appellant,

and

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

Appellate Case No. 2022-001815

ORDER

On March 22, 2023, we dismissed this appeal because Appellant failed to serve the notice of appeal on Respondents within thirty days of receipt of written notice of entry of the order or judgment. *See* Rule 203(b)(1), SCACR; *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (“Service of notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.”). Subsequently, Appellant filed a petition to reinstate, which we construe as a petition to rehear the dismissal. After careful consideration of the petition for rehearing and the two supplements to the petition filed by Appellant, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Paul W. Thomas

J.

Stephen P. McDonald

J.

3L L J

J.

Columbia, South Carolina

cc:

Carolyn Tolbert Smith
Ashley G. Andrews, Esquire
Alwyn Taylor Silver, Esquire
William King Kalivas, Esquire
Betty Jean Tolbert Jones

FILED
Jun 15 2023