

Copy 8

STATE OF SOUTH CAROLINA, )  
 )  
COUNTY OF Charleston )  
 )  
Ave Smith )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Heirs of Helen Tolbert )  
 )  
Defendant. )

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 2024-CP-10-6162

TO THE DEFENDANT<sup>S</sup> ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Charleston, South Carolina

Ave Smith  
Plaintiff/Attorney for Plaintiff

Dated: December 11, 2024

Defendants Defendants failed to respond to this summons within thirty (30) time limit.

Address: 338 5<sup>th</sup> Ave & 2<sup>nd</sup> 6<sup>th</sup> St. Mount Pleasant, SC 29464

FILED  
24/24/2025  
2024 DEC 12 PM 2:59  
JULIE J ARMSTRONG  
CLERK OF COURT

Applicable  
to filing 4/24/25  
+ Ap. 16/25  
Second time

# Complaint

The Charleston County Court, by law, is hereby requested to grant me, Plaintiff, Title to Adverse Possession, reasons not limited to those cited above. Another consideration is the fact that Keith L. Tolbert, Charles L. Tolbert, Dr. Betty J. Jones & Sara J. Latten never asserted themselves to show any interest herein, thus abandoning said property part and parcel integral.

BY

JULIE J. ARMSTRONG  
CLERK OF COURT

2024 DEC 12 PM 2:59

FILED

*Aue*

mail  
Atty. S. J. T. L.

Sara Jo T. Latten  
c/o Atty. A. T. Silver

103 D Queen St.  
Georgetown, SC 29—  
?

copy 8

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COUNTY OF Charleston )  
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FILED  
2024 DEC 12 PM 2:59  
JULIE J. ARMSTRONG  
CLERK OF COURT

Charleston, South Carolina

Ave Smith  
Plaintiff/Attorney for Plaintiff

Dated: December 11, 2024

The Defendants' response missed the thirty (30) day deadline.

Address: 338 5<sup>th</sup> Ave  
Mount Pleasant, SC 29464

CASE NO: 2024 CP 10 06162

Re: "Title To Adverse Possession"

Supporting "Memo" and "Brief"

BY

JULIE J. ARMSTRONG  
CLERK OF COURT

2025 FEB 25 PM 4:23

FILED

Please find below the, Memo, "defending the

above claim "Title To Adverse Possession" The Supporting, "Brief," is found on the following pages from Ave Smith

Repeated 'Memo'

I, Ave Smith will show reasons that I am entitled to, "Title To Adverse Possession" I will defend/show that I satisfy now and satisfied the 6 elements, to be awarded, "Title To Adverse Possession," after 18 yrs. of my exclusive residency upon the deaths of my dear, beloved grandparents Fred and Helen Tolbert whom I assisted in caring for <sup>them</sup> during the last eight years of their life. I have lived at 338 Fifth Ave, # 016<sup>th</sup> St. now 20 yrs. exclusive of ~~the~~ deceased grands and of Charles, Charles, Keith and all other co-tenants who abandoned subject property. <sup>Now fight to show what is not this is</sup> I satisfied ① Exclusive living, Consistent living 3. notorious, Actual, 4. Hostile ⑤ Open ⑥ and Ouster. this will/shall be argued in jury trial arranged by the honorable Court and my attorney, I pray, I am being denied my Civil Right <sup>to</sup> jury Trial.

Please see Brief

Announced on reverse →

Dated 02/23 / 2025

this is the second filing of this same document supplemented now dated 05/02/2025

Pro Se

1

copy

Ave-Marie Smith  
338 Fifth Ave + D<sup>th</sup> St.  
Mt. Pleasant, SC 29424  
1-843-216-6960

01/30/2025

Attached - Brief And Memo

State of South Carolina  
County of Charleston

In The Court of Common  
Pleas

For The Ninth Judicial  
Circuit

Ave-Marie Smith

CASE NO: 2024 CP 10

Plaintiff,

~~64038~~ 6162

2024 CP 110 61

Heirs of Helen Grant Tolbert

62

Defendants.

Notice and Request For  
Continuance

BY  
JULIE J. ARMSTRONG  
CLERK OF COURT

2025 FEB -1, PM 4:09

FILED

Date

Please take notice that the Plaintiff, Pro Se,  
hereby moves before this honorable Court

for a Continuance in preparation for  
jury trial of the case No: 2024 CP 10  
6160 Currently not scheduled.

The basis for the request for Continuance is  
for securing counsel herein and for allowing  
ample time to prepare for trial i.e. time  
for counsel to acquaint himself with the  
case. Therefore I respectfully request that  
the jury trial in this matter be continued be-  
ginning at the time that there is availability on  
the jury trial roster. Keith was given nearly 2 mos  
Plaintiff requests similar and will inform all par-  
ties.

U.S.  
Supreme Ct  
The Cong-  
ress of U.S.A.  
The  
Justice  
Dept  
U.S.A.

Area Copy (6) needed Copy FF  
 In complete of 55, 58 KK  
 Back to Cabinet

MISSING HNLU 88  
 refused to hear it. my atty. did not consent himself to engage it. also the pre turned. Not? app KK

Circuit + Appeals Ct.

Zero the embro premise for circuit Ct. argument

TABLE OF CONTENTS

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PRELIMINARY STATEMENT OF REFERENCES	7
STATEMENT OF THE CASE AND FACTS-ISSUES	1
SUMMARY OF ARGUMENT	4.
<p>I. The Circuit Court erred in granting Summary Judgment to Charles Tolbert, In the Appellant's Counterclaim to the Plaintiff's "Quiet Title" Claim Was never heard by Master-In-Equity. He skipped it, at hearing!</p> <p>II There is clearly genuine issue as to material fact by-passed by the Circuit Court so the Circuit Court erred herein. see facts &amp; issues herein</p> <p>III The Circuit Court erred in its statement under "Legal Analysis," line no. one and no. two. See Order granting Summary Judgment, "Im providently granted."</p> <p>IV The circuit Court erred in ignoring, "Standard of Review," page two; Fender v. The Heirs of Smashum, paragraph eight extending to the top of pg. three, end of line four and lines five to ten.</p> <p>V Please see Table of Authorities &amp; Cases Cited.</p>	

"Fall Out" Laborious unnecessary

Are's My Counterclaim Case was a winning case at the Circuit Ct and it was to be heard as scheduled. Judge Scarborough

Brief

Add to  
List of Appeals

CASE No: 2024 CP 10 06162

Preliminary statement of Reference

Ave, Appellant is appealing my motion, for Jury trial, to present my Counterclaim to, 'Quiet Title Lis Pendens' wherein at another trial the, 'Master-In-Equity' for Chas. Co, SC omitted to hear the scheduled Counterclaim.

Statement of The CASE - Facts And Issues And Summary

This is a new case with argument, "Title To Adverse Possession." Please hear Appellants above named case heard March 17/2025 before Judge Clyburn Pope. This is a new case. On the 17<sup>th</sup> of Mar, 2025 I explained that I my mother, over family, The Corporal W. Leroy Smiths in ten yrs., eight-teen and in these twenty two yrs. have earned "Title to Adverse Possession." I explained the facts in the case and the injustices in the Judges having gifted to two non-contributors, the estranged nephews, property they abandoned before my grandpa-  
rents died and after the decedent, Mrs. H.S. Tolbert, died, 12/25/2003. These nephews never asserted themselves regarding. After mother, Carolyn, offered \$50,000.00 to ea. they would not negotiate, just in hostile fashion boldly filed the drastic, \* false claim, "Quiet Title...", "against mother and grandmas" \* "Last Will + Testament." Mother's former ally, Turned Court For her opposers. They, in conferece with the judge in Charge, conspired to Sabotage the 09/21/22, "hearing." All consented to not hear the Counterclaim. Judge Im, pro- vidently granted chas. Summary judgment. So now I have a new case.

## Facts And Issues

The Circute Court erred in neglecting to have had me expound on elements she made reference to in her decision. The six (6) elements to be satisfied per entitlement to, "Title To Adverse Possession." I have included an explanation of proof of my satisfaction of <sup>the</sup> element. I prove all elements required for my eligibility being more in keeping with justice and just ownership than my first Cousins, Charles Tolbert and Keith Tolbert. I am the only Contributing one among them and all other First Cousins. We three Contenders mentioned, each one is not a Co-tenant. Two, Charles and Keith are "Secondary" Contenders with no vested interest. I am the contender with vested interest. Before I came to Care for my grandparents with mother 2 yrs. after ma'ie 1997 to present, 2025 I lived on the subject property during my elementary Nine (9) mos. Sch. days; 1985-1987; Dec-Jan-1991-1992, at time of my father's Chemotherapy treatment to fight multiple Myeloma, then 1997-2025. 2003-2025 For all the heirs I and my family of Smiths alone paid the taxes, improvements exterior painting, new roof, <sup>new</sup> HVAC, new fence, ground build up, 24 hrs. loving, Superior Care for our grandparents, Rept by us in their own home, familiar environment, loving caring neighbors, Church members, medical doctors and facilities, travel to health resort West Palm Bch, family celebration. The just elements came as, "More Than The Elements of The Law Allow" But God says, "If you don't work, if you don't Eat!"

Adverse Possession

My family and I for 20 yrs, 18 yrs and 28 yrs, → I, Carolyn

1-B

The Six (6) elements that I have satisfied for

"Title To Adverse Possession":

1. (b)

"Duster" - It has been of unequivocal nature by virtue of co-tenants having abandoned subject property as to asserting themselves in any wise to claim title for eighteen 18 yrs at the filing of the false claim of Quiet Title an evil, drastically hostile claim that yells sell/sell/sell! we care nothing about your age and the hardship you'll face. Because my actions put them out of their designated

spaces by rooms in the dwelling place. I gave all of these rooms to members of my family the W. Leroy Smiths and to an in law. I did not have to tell them "you're Dusted. we alone have possessed

this Property 'part and parcel integral,' 338 Fifth Ave and 8' 6" St. Mt. Pleasant, SC 29464

2. (a)

"Actual" all never gave any co-tenant a key to the property. None has lived here even overnight, not Keith who lives overnight with Blanton his father or like the others, in/at a hotel, neighbors saw this the few times that any came other than for a grand parent or parent funeral. Keith chose not to attend his grandmother's funeral but wants inheritance she leaves. No vested interest has he

3. (c)

"Notorious" Well noted has been my residence here as an educator at the Chas. Co. Sch District 1995-2020; by my church attendance 1995-2025. The U.P. Postal servers, neighbors witnessing our walking our dogs and playing with them over all the integral property

(4)(4)

"Open" I and my family lived openly on the subject property. We drove our automobiles and parked them on our property; pd. our auto taxes; Chatted with postal worker neighbors and said hello to passersby. I sang and traveled with the Chorahiers Music Club They appeared in the Opera Porgy & Benz (Porgy)

~~//////~~

(5)(5)

"Exclusively" I continued to live at the subject address after mother died, 12/25/2003 Between 2003 and 2018 we pd. taxes (property), made improvements eg. new roof, building up of grounds, new HVAC, exterior painting, added 3 storage sheds, improved plumbing and kitchen cabinets. We now must repeat some previous ones

(6)(6)

"Consistent" - I've resided here twenty-eight 28 yrs and it is my sincere hope that my family and I, the only ones who put in or contributed to my parents, my children's grandparents welfare and comfortable living and to the preservation of subject property a legacy to mother and daddy because we have vested interest therein and in posterity. My sisters contributed through the yrs as did my brother as to love of their/our parents

Please See "Fonds vs Hirs Plans Smashum" 200-2083

Carolyn Tolbert Smith  
338 Fifth Ave 26<sup>th</sup> St  
Mt. Pleasant, SC 29464  
1-843-218-8980

copy

10

# JUSTIA

*Argument*

## Fender v. Heirs of Smashum

THE STATE OF SOUTH CAROLINA  
THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Sherwood N. Fender, Respondent,

v.

Heirs at Law of Roger Smashum, John Smashum and Arthur Smashum, if living or such heirs of them as may be living, Carolee H. Goodwine, Mae Olive Henderson, Audrey Polite Sawyer, Diana Cornish, Heirs of John Frasier, if living or such heirs of them as may be living, Bernadette Anderson, Eloise Gadson and all other persons unknown, having or claiming any right, title or estate or interest in or lien upon the real property described in the complaint herein, being designated collectively as John Doe and Sarah Roe, including all minors, persons in the armed forces, insane persons and all other persons under any other disability who might have or claim to have any right, title or interest in or lien upon the real property described in the complaint herein, Defendants,

Of whom Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs at law of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir at law of John Smashum, are Appellants.

Appeal From Beaufort County  
Perry M. Buckner, Circuit Court Judge

Opinion No. 3639  
Heard March 11, 2003 – Filed May 5, 2003

REVERSED and REMANDED

Togbin / Councilman Chaplin  
843 819 9235

California  
1-800-400-7115

Gen. Counsel

803-898-5130

J. Sparlin

2C

Derek C. Gilbert, of Beaufort, for Appellants.

Judge Roger Couch

Sedgwick Kenneth Johnson

Alysoun Meree Eversole, of Beaufort, for Respondent.

CURETON, J: Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir of John Smashum (collectively "Heirs"), appeal the circuit court's grant of summary judgment to Sherwood N. Fender in this quiet title action. We reverse and remand.

Judge B. Hicks Harwell, Jr

J. C. Buddy Nicholson, Jr.

FACTS

Califon Roger Smashum

The parties each claim title to a parcel of unimproved land. Each can trace their titles through a series of intestate and deed conveyances to two "Head of Family Land Certificates" granted by the United States District Tax Commission to Roger Smashum around 1867. Roger Smashum's interest eventually passed through intestacy to his son John Smashum and eventually to two of his grandsons, Arthur Smashum and Thomas Smashum.

843  
959  
4800  
Aisha  
Brenda

US Treasury Dept  
803 734 2101

Chas CO. Tax Commission  
1-843-958 4030

8038 8542

Fender claims title through a November 1988 deed derived from a succession of conveyances from Arthur Smashum. In 1966, Arthur Smashum conveyed his interest in the property to Betty M. Sloan by quit-claim deed. Sloan conveyed the property back to Arthur in 1969 by quit-claim deed. In 1983, Arthur conveyed the property to himself and Charlie Mae Brantley as joint tenants with the right of survivorship. Arthur died in 1984 and in 1988 Charlie Mae conveyed the property to W. Thomas Parker and Fender by warranty deed. [1]

Beaufort Perry M. Buckner

substitute

Henrietta Jones, Sarah Shepard and Lucy Smith, claim a tenancy-in-common with Fender as heirs of Thomas Smashum. Queen Smashum claims a one-eighth tenancy in common interest with Fender through a 1999 quit-claim deed from Adam Smashum, an heir of Thomas Smashum.

Derek Gilbert → 843 524-4000

Gen. Assistance 1-800-852-5711

In December 1999, Fender initiated the present action seeking to quiet title to the property. He asserted the absence of estate or administrative proceedings related to the estates of Roger Smashum, John Smashum, and Arthur Smashum left a cloud over his title. In his complaint, Fender alleges the interest of a business associate and his was adverse to all others. His complaint states:

Carolyn T. Smith is Sole Administrator for per proceedings herein.

That possession of the property which is the subject of this cause of action has been in actual, open, notorious and exclusive possession of [Fender and a business associate]

my door was home pg

SC Dept of Revenue  
FARS  
my

Business  
1-803-898 5130  
Bankruptcy

Property Tax  
1-803 898 5000  
→ Ext 7

If consider ~~best~~ <sup>100%</sup> ~~best~~  
Estate Admin  
Proceeding →  
free bottom

under claim of title and that there has been such continued occupation and possession of the premises for over ten (10) years.

Queen Smashum answered on behalf of herself and the heirs of Thomas Smashum in May 2000, and counterclaimed to quiet title to the property in the name of the Heirs. The Heirs claimed Queen Smashum, Henrietta Jones, Sarah Shepard, and Lucy Smith each owned an undivided one-eighth interest in the property.

*I and at my death my 4 children own 1/8 of five siblings of (20%)*

In June 2001, Fender made a motion for summary judgment. The circuit court conducted a hearing on Fender's motion the following month. In its order issued in August 2000, the court granted summary judgment to Fender. This appeal follows.

*10wds*

STANDARD OF REVIEW

*Judge McKell erroneously reports with many other blatant, glaring untruths that he adhered to "Standard of Review" Had he done so I would've prevailed*

Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). When determining whether any triable issue of fact exists, the evidence and all inferences, which can reasonably be drawn from it, must be viewed in the light most favorable to the nonmoving party. Faile v. S.C. Dep't of Juvenile Justice, 350 S.C. 315, 324, 566 S.E.2d 536, 540 (2002). If triable issues exist, those issues must be submitted to the jury. Young v. S.C. Dep't of Corrections, 333 S.C. 714, 718, 511 S.E.2d 413, 415 (Ct. App. 1999). Even where no dispute as to evidentiary facts exists, but only as to the conclusions or inferences to be drawn from them, summary judgment should not be granted. Hall v. Fedor, 349 S.C. 169, 173-74, 561 S.E.2d 654, 656 (Ct. App. 2002). Moreover, summary judgment is a drastic remedy that should be cautiously invoked to ensure no person is improperly deprived of a trial of disputed factual issues. Lanham v. Blue Cross & Blue Shield of S.C., 349 S.C. 356, 363, 563 S.E.2d 331, 334 (2002).

LAW/ANALYSIS

*Said judge desperate for his favored judiciary group to prevail, obstructed justice from beginning to end. He reported to the SC District Ct that my claim is based on 20 yrs possession. Not so!*

The Heirs argue the circuit court erred in finding Fender acquired title to the subject property through adverse possession. We agree. He needed to cover his prosecutorial mis-conduct obvious at the circuit level i.e blocking my "Due Pro- As an initial matter, the Heirs assert the circuit court erred in failing to find that they are co-tenants in the subject property with Fender. The Heirs cite 86 C.J.S. Tenancy In Common § 8 (1997) for the proposition that upon the intestate death of John Smashum and his wife, his two surviving children, Arthur Smashum and Thomas Smashum owned the property as tenants in common. They further argue that any grantees of Arthur necessarily owned a proportional interest in the property as tenants in common with them as heirs of Thomas Smashum. While acknowledging that Arthur and Thomas were

*Cont' below*

*Cont' Case," my Constitutional Right to in Court, argue and counterclaim Quiet Title." He and my opposers decided my case conspired by him and his co-conspirators to sabotage the hearing schedule, the hearing; start with ->*

Treasurer  
State Treasurer 803 734-2101

Charlotte Treasurer Tax Commission  
843 958-4360

Cont from "Law Analysis" pg. #3 Summary judgment - she heard first and last! This judge never allowed my atty nor me to counterclaim "G.T." as scheduled. I discovered later

cotenants, Fender asserts the cotenancy came to an end when Arthur conveyed the property to a stranger, reacquired title to the property, and thereafter conveyed the property by warranty deed to himself and Charlie Mae Brantley. [2] He further refers to the deposition testimony of Queen Smashum that prior to the death of Arthur Smashum in 1985, she obtained permission from him for her and her husband Adam to plant a garden on the property that my atty had, behind my back, "turned coat" enjoined my

Cont opposers, consented to the judge's foul wishes as the others As stated in the case of Andrews v. McDade, 201 S.C. 24, 28-29, 21 S.E.2d 202, 204 (1942):

Cont I discovered this when she refused to appeal the fraudulent SCAM hearing -

As to real property, the general rule is that where the state has passed a perfect legal title, the doctrine of abandonment is not applicable thereto, and that the title vested in the grantee cannot be affected or transferred by his act in departing from the land and leaving it unoccupied, or otherwise ceasing to exercise dominion over it . . . .

Cont! She, though "NOT" mutually, she withdrew, turned over my file to me and At common law, while an incorporeal hereditament may be lost by abandonment, the principle is firmly established that perfect legal title to a corporeal hereditament cannot be abandoned, or lost by abandonment, operating alone, and dissociated from other acts or circumstances; and so it is frequently said that so far as land is concerned, there can be an abandonment only in a case where the title is imperfect, or less than absolute. The doctrine of abandonment has, therefore, no application to a fee simple; but inchoate rights and equitable rights in land may be abandoned, and so may mere possessory rights, and rights acquired by user ....

Although technically a fee simple title holder may not by nonuse abandon his title, his nonuse and failure to assert his title to the property may constitute an important circumstance in a determination of whether another has held the property adversely to the title holder. As clarified at oral argument, Fender does not claim he ousted the Heirs, but rather claims his predecessors in title ousted the Heirs. Thus, he reasons he is not a cotenant with the Heirs and thus need only prove adverse possession for ten years prior to the date of the commencement of this action. We first examine whether Fender's predecessors in title ousted the Heirs.

His v Improvement taxes upkeep None

I claim Ouster hostile

proven by the hostile

"Ouster" is the actual turning out or keeping excluded a party entitled to possession of any real property. Grant v. Grant, 288 S.C. 86, 340 S.E.2d 791 (Ct. App. 1986). . . . Actual ouster of a tenant in common by a cotenant in possession occurs when the possession is attended with such circumstances as to evince a claim of exclusive right and title and a denial of the right of the other tenants to participate in the profits. Woods v. Bivens, 292 S.C. 76, 354 S.E.2d 909 (1987); Brevard v. Fortune, 221 S.C. 117, 69 S.E.2d 355 (1952). The acts relied upon to establish an ouster must be of an unequivocal nature, and so distinctly

fake SCAM

lawsuitie Quit Title in 2018 (w)

persistence falsehoods fake SCAM Order Judgment Obstructions!

Charles Leon asked to visit but denied by Carolyn in and about 2018

CP

we took over rooms here before dedicated to them and their children. I arrived to care for mother and daddy right of the 28 yrs I lived here exclusively for 28 yrs. cph

50

hostile to the rights of the other cotenants that the intention to disseize is clear and unmistakable. Felder, 278 S.C. at 330, 295 S.E.2d at 642. Only in rare, extreme cases will the ouster by one cotenant of other cotenants be implied from exclusive possession and dealings with the property, such as collection of rents and improvement of the property.

we did this

Id., 278 S.C. at 331, 295 S.E.2d at 642. <sup>upkeep, taxes, repairs, ins etc.</sup> Freeman v. Freeman, 323 S.C. 95, 99-100, 473 S.E.2d 467, 470 (Ct. App. 1996). "Ouster is presumed from possession only if it is continued for a period of twenty years. Title by ten years' adverse possession by a cotenant against another may be acquired only after actual ouster of which the latter has notice, or should have in the exercise of a reasonable diligence and vigilance." Watson v. Little, 224 S.C. 359, 364, 79 S.E.2d 384, 387 (1953).

new roof, New HVAC, ground buildup exterior paint

\* we had lived here 18 yrs at the filing of Quit Title

We conclude the conveyance from Arthur to Betty Sloan by quit-claim deed in 1966; the reconveyance by Sloan to Arthur in 1969; the conveyance to himself and Charlie Mae Brantley as joint tenants in 1983, and the conveyance by Brantley [3] to Fender and W. Thomas Parker by a purported warranty deed in 1988, together with the fact Queen Smashum obtained Arthur's permission to plant a garden on the property are insufficient by themselves to establish that the Heirs were ousted. "In the absence of authorization or ratification, any attempted conveyance of the common property by one cotenant is not binding upon his cotenants, and operates to pass title to nothing more than the seller's own interest." 20 Am. Jur. 2d Cotenancy and Joint Ownership § 106 (1995). We recognize that these conveyances are some evidence of ouster and should not be ignored [4] for possession under such deeds and the assertion of exclusive and unequivocal ownership in time could ripen into title by adverse possession. Nevertheless, Arthur did not enter into possession under such a deed. Moreover, his transfer to Betty Sloan in 1966 and her reconveyance to him in 1969 were by quit-claim deeds which gives rise to the inference Arthur realized he may have had less than a good legal title. [5] In addition, we find that Fender did not present evidence regarding the character of Arthur's possession or that Arthur took actions to exclude the Heirs from the property or asserted exclusive ownership over the land. Likewise, there is no evidence of the character of Charlie Mae's possession of the property.

all in place

We conclude, therefore, that a question of fact exists whether Fender established the Heirs were ousted of their interest in the property by Arthur or Charlie Mae. We further conclude that under the posture of the record in this case, Fender and the Heirs are cotenants in the property. Therefore, Fender must show that his actions toward the property amounted to an ouster of the Heirs before he can establish title by adverse possession.

Asserted ownership over mother's Estate claim brought against Ma's

We conclude, therefore, that a question of fact exists whether Fender established the Heirs "Will" were ousted of their interest in the property by Arthur or Charlie Mae. We further conclude that under the posture of the record in this case, Fender and the Heirs are cotenants in the property. Therefore, Fender must show that his actions toward the property amounted to an ouster of the Heirs before he can establish title by adverse possession. any return to "Will" I now own the property part and parcel cph

There are well-established principles applicable to cotenancy, which control the controversy . . . . A cotenant has the right, in common with his cotenants, to the possession of the property owned in common, so ordinarily the possession by one cotenant is the possession of all. The latter ceases when the exclusive possession of a cotenant becomes adverse to the right of possession by the other cotenant or cotenants; but the hostile character of the possession must be such as to amount to an ouster of the other cotenant or cotenants and must be clearly and unmistakably established by the evidence. While the possessor need not give express notice of the hostility of his possession to the other or others, the nature of it must be brought home, as it has been said, to the other owner or owners. *So Done by Carolyn*

Watson, 224 S.C. at 365, 79 S.E.2d at 387. One claiming title to land by adverse possession has the burden of proving adverse possession by clear and convincing evidence. Lusk v. Callaham, 287 S.C. 459, 460, 339 S.E.2d 156, 157 (Ct. App. 1986).

The circuit court makes no reference to ouster in its order, but analyzes Fender's claim of title based solely on an adverse possession analysis. In fact, as we understand Fender's claim, he does not claim title to the property pursuant to ouster of the heirs, but rather based solely on adverse possession. Inasmuch as ouster is a prerequisite to a cotenant claiming title by adverse possession, we will analyze Fender's evidence to determine whether a question of fact exists as to whether Fender met this prerequisite.

The circuit court found the ten-year statutory period began with the November 14, 1988 deed to Fender and Parker, and ended in November 1998. In finding adverse possession, the court relied on: 1) the receipt by Fender of a warranty deed dated November 14, 1988; 2) the paying of property taxes for the statutory period of ten years; 3) the assertion of title by the giving and receiving of fractional interests through successive conveyances by warranty deeds during the statutory period; and 4) the erection of no trespassing signs on the property during the statutory period. The trial court also presumed Adam and Queen Smashum's previous use of the property was merely permissive, based on Queen's statement that Arthur gave her "the privilege" to plant a garden on the property before his 1984 death. While Fender's affidavit states he and his co-owner "exercised ownership rights ...by tending and maintaining the property," the affidavit does not indicate how, nor does the circuit court place any significance to this statement.

We find the actions cited by the circuit court do not as a matter of law establish ouster and consequently do not show Fender obtained title to the property by adverse possession. Fender's proof is not clear and unequivocal that he exercised "hostile, open, actual, notorious and exclusive" possession of the tract throughout the ten-year period. The fact

that Fender placed "No Trespassing" signs on the property, without more, cannot be shown to be adverse to the rights of the other co-tenants. Especially in the light of the deposition testimony of Queen Smashum that she visited the property in recent years and did not see the "No Trespassing" signs allegedly posted by Fender. See *Felder v. Fleming*, 278 S.C. 327, 330, 295 S.E.2d 640, 642 (1982) and *Horne v. Cox*, 237 S.C. 41, 44-45, 115 S.E.2d 513, 515 (1960) (Possession of one tenant in common is the possession of all and, for one tenant to establish title against a cotenant by adverse possession, he must overcome the strong presumption that he holds possession in recognition of the cotenancy.) In addition, the fact that Fender paid the taxes does not constitute ouster. See *Watson*, 224 S.C. at 368, 79 S.E.2d at 387 (payment of taxes by a cotenant ordinarily entitles him only to a proportionate contribution from the other cotenants). The circuit court erred in finding that Fender established title by adverse possession to the subject property.

For the forgoing reasons, the circuit court's summary judgment order is reversed and the case remanded to the circuit court for proceedings consistent with this decision.

REVERSED AND REMANDED. [6]



STILWELL and HOWARD, JJ, concur.

*Like my case where I or my atty' at the time was scheduled to counterclaim, 'Quiet Title'*

[1] In February 1990, Parker and Fender conveyed their interests to Fender, Parker-Matthews Investors, Inc., and Mary Hudson Feltner. Feltner conveyed her interest to Fender in 1993.

*Lis Pendens*

*Sadly The Master In Equity, Judge Mikell Scarborough*

[2] Fender cites 20 Am. Jur. 2d Cotenancy and Joint Ownership, Section 31 for the proposition that "a tenancy in common will come to an end upon forfeiture or abandonment of the common property, upon its conveyance, voluntary or otherwise, to a stranger, or upon the definite ouster by the cotenant of his fellows."

*Chas. County, SC*

*refused any argument from my side of his scale of, 'Injustice!'*

[3] Arthur died in 1985.

[4] These conveyances arguably constitute color of title under our adverse possession statutes. *Woods v. Bivens*, 292 S.C. 76, 78-79, 354 S.E.2d 909, 911 (1987).

*His favored,*

*licensed atty's had to prevail illegally. I*

[5] According to Fender, he had actual notice of these deeds.

[6] Because we reverse on this issue, we do not address Smashum's other issues on appeal.

*Carolyn T. Smith won easily. Fear of losing was 'Mo. time for said*

Some case metadata and case summaries were written with the help of AI, which can produce inaccuracies. You should read the full case before relying on it for legal research purposes.

*judge and his co-conspirators to, 'stoop to conquer' and I'm providing He, this judge heard only summary judgment and I'm providing dently granted charta*

10th Commissioner  
District State  
M S District

Jim Scott 843 805-6930

State Treasurer

1-803-734-2101

Carolyn Tolbert Smith  
338 Fifth Ave + O'6<sup>th</sup> St.  
Mt. Pleasant, SC 29464  
1-843-216-6960

Charles Leon McMillian, III AKA

Charles Tolbert Order Judgment. It appears that this judge who convene a conference with my opponents and my own atty months prior to his scheduled hearing illegally decided my case behind closed doors, in the dark, behind my back. Now they plan to sell my property.

**COUNTS & HUGER**  
— Attorneys at Law —

September 16, 2024

Mrs. Carolyn Smith  
338 Fifth Ave.  
Mt. Pleasant South Carolina 29464

Re: **Estate of Helen Tolbert**  
**2010-ES-10-1356-2**

Dear Mrs. Smith:

I have enclosed a copy of your mother's Deed of Distribution for your records.

If there are any questions, please contact me.

With Kind regards, I am

Sincerely,

  
George E. Counts

Sek/GEC

Enclosure: As Stated

Cc: File

Copy

Copy  
9/16/24  
Sheet

NOTE: lots 326 and 327 = one part and parcel occupied by one dwelling on one part and a house on the other part



STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF: HELEN ALICE GRANT TOLBERT

State the Correction! By whom?

IN THE PROBATE COURT CORRECTIVE DEED OF DISTRIBUTION

\*Originally recorded in Book 0209 at Page 305 page 001. Recorded to correct percentage of ownership

CASE NUMBER: 2010-ES-10-01356

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

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

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

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

Below here is no corrective Deed it is the initial Deed of Distribution

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

Name: Carolyn Tolbert Smith 30% 338 5th Street Mt. Pleasant, SC, 29464 (20% interest)

Blanton William Tolbert 30% 202 St. James Ave., Apt. # 9-D Goose Creek, Ave. 29445 (20% interest)

Dr. Betty Jean Tolbert Jones 30% P.O. Box 6429 Charlottesville, VA 22906-6429 (20% interest)

Sara Jo Tolbert Latten 20% 7095 Hollywood Blvd. Apt. # 597 Hollywood, CA 90028 (20% interest)

Charles Tolbert 10% 115 Franklin Tpk, No. 259 Mahwah, NJ 07430 (10% interest)

Charla McMillian 10% 1518 Encinal Avenue Alameda, CA 94501 (10% interest)

following described property:

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

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

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

Explain, please is the church

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

TMS#: 514-11-00-065

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

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

FORM #400PC (1/89) 62-3-907, 62-3-908

Page 1 of 2

Never to neither Charles nor Keith L. Tolbert who filed the claim, Quiet Title!

KT006

Scarborough - Egregious!

Nothing changed! Erroneous

RMC BK 0306 Pg 283 pg 1 \*

February 14, 1870, and revised December 1894 by H.S. Lamble, Civil Engineer, which plat was recorded in the R.M.C. Office for Charleston County on November 3, 1899 in Plat Book D, Page 180, as small black numbers lot 327.

BEING the same premises conveyed to Helen G. Tolbert by Deed of Hollis A. Ayers dated May 24, 1979; recorded May 30, 1979 in Book H119 at Page 107 in the RMC Office for Charleston County.

TMS# 514-11-00-064

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

**TO HAVE AND TO HOLD**, all and singular, the said Premises/Property unto the said Carolyn Tolbert Smith, Blanton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, Charles Tolbert, and Charla McMillian, and their heirs and assigns forever.

**IN WITNESS WHEREOF**, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 26 day of September 2011.

**SIGNED SEALED AND DELIVERED**  
TOLBERT  
**IN THE PRESENCE OF**

**Estate of: HELEN ALICE GRANT**

By Signature: Carolyn Tolbert Smith  
**CAROLYN TOLBERT SMITH**  
**Personal Representative**

Witness: [Signature]

Witness: [Signature]

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

PROBATE

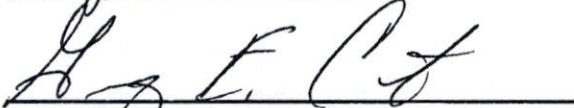
Personally appeared before me the undersigned witness and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that she with the other witness witnessed the execution thereof.

SWORN to before me this 26 day of

Witness Signature:

September, 2011



  
Notary Public for South Carolina

My Commission Expires: 3-31-2018

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

Mrs. Carolyn Tolbert Smith  
338 5<sup>th</sup> Street  
Mt. Pleasant, SC 29464

Second attempt mailing

STATE OF SOUTH CAROLINA

COUNTY OF Charleston

Ave Smith

Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2024-CP-10 - 6162

Keith L. Tolbert, Carolyn vs. Tolbert Smith, Sara Jo Tolbert, Letten Charles Tolbert (AKA), Betty J. T. Jones  
Heirs of Helen Tolbert

Defendant(s)

Submitted By: Ave Smith

Address: 338 5th Ave  
Mount Pleasant, SC 29464

SC Bar #: Pro Se

Telephone #: (786) 246-5029

Fax #:

Other:

E-mail: ave12000smith@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Fraud/Bad Faith (150)</li> <li><input type="checkbox"/> Failure to Deliver/Warranty (160)</li> <li><input type="checkbox"/> Employment Discrim (170)</li> <li><input type="checkbox"/> Employment (180)</li> <li><input type="checkbox"/> Other (199)</li> </ul> <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul> | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case #<br/>20 <u>-NI-</u></li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul> <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Drv. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture-Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Assault/Battery (370)</li> <li><input type="checkbox"/> Slander/Label (380)</li> <li><input type="checkbox"/> Other (399)</li> </ul> <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Incapacitated Adult Settlement (790)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input checked="" type="checkbox"/> Other (499) <u>counter claim</u><br/><u>quiet title</u><br/><u>and adverse possession</u></li> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920) <u>claim</u></li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Comm. (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
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Special/Complex /Other

- Environmental (600)
- Automobile Arb. (610)
- Medical (620)
- Other (699)
- Sexual Predator (510)
- Permanent Restraining Order (680)
- Interpleader (690)
- Pharmaceuticals (630)
- Unfair Trade Practices (640)
- Out-of State Depositions (650)
- Motion to Quash Subpoena in an Out-of-County Action (660)
- Pre-Suit Discovery (670)

Submitting Party Signature: Ave Smith

Date: December 11, 2024

2024 DEC 12 PM 2:59  
CLERK OF COURT  
J. ARMSTRONG

FILED

Go in return to clerk - Fix the date filed, please - Raise this part  
" " " " " also to have pure official summons properly filed

In Carolyn Tolbert Smith 87 yr old retired (edu.) award winning French and Spanish classroom teacher, Kindergarten + The University ie U. of Miami Miami Dade CO., FL,



1. My Wanton Plea is this, 2 Please turn your attention to providing the immediate attention, stopping the 4. judge Mikell Scarborough from illegally taking away my home off twenty-eight 7 years and selling it illegally from me, the primary owner and 8th head of family land 9. preserved by my children and me exclusively for twenty yrs. I desperately need right now, Injunctive Relief, to head off judge Scarborough's hearing to sell my home to which only my children and I have contributed. I have asked the District Court and now the circuit ct. for jury trial. The judge refused to hear my argument now at two hearings. He forgot to notice me for this last one 10/30/24. I need your help now, PLEASE? See pg 6 of Justia proves that I should have prevailed at circuit ct except for judge Scarborough's egregious abuses.

# Fender v. Heirs of Smashum

Hearing Jan. 27, 2025

THE STATE OF SOUTH CAROLINA  
THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Sherwood N. Fender, Respondent,

v.

Heirs at Law of Roger Smashum, John Smashum and Arthur Smashum, if living or such heirs of them as may be living, Carolee H. Goodwine, Mae Olive Henderson, Audrey Polite Sawyer, Diana Cornish, Heirs of John Frasier, if living or such heirs of them as may be living, Bernadette Anderson, Eloise Gadson and all other persons unknown, having or claiming any right, title or estate or interest in or lien upon the real property described in the complaint herein, being designated collectively as John Doe and Sarah Roe, including all minors, persons in the armed forces, insane persons and all other persons under any other disability who might have or claim to have any right, title or interest in or lien upon the real property described in the complaint herein, Defendants,

Of whom Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs at law of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir at law of John Smashum, are Appellants.

Appeal From Beaufort County  
Perry M. Buckner, Circuit Court Judge

Opinion No. 3639  
Heard March 11, 2003 – Filed May 5, 2003

REVERSED and REMANDED

Pg. 1. last line  
Pg. 1. Please see Standard of Review  
Pg. 1. " " Facts per # 4 pg. 2  
Pg. 3. Par. # 4 last line  
Pg. 4 - Para # 4 over to pg. 5 (w) margin - par. 2  
and notes. See, exclusive possession which I have held 20 yrs + 8 yrs as I gave tender loving care to both of my parents.

I'm pleading for you, an advocate for justice for all shall save my home from sale by reckless judiciary. Only my guardian angel through God the three in one shall get me an injunction and jury trial. cjs

*Carolyn Te Smith has held our property adversely to the other heirs, Charles Leon McMillian III, Keith L. Tolbert Sr Betty F Jones and Sara Jo Lattery Esquire*

(4)  
44

*B*  
*Carolyn primary*

circumstance in a determination of whether another has held the property adversely to the title holder. As clarified at oral argument, Fender does not claim he ousted the Heirs, but rather claims his predecessors in title ousted the Heirs. Thus, he reasons he is not a cotenant with the Heirs and thus need only prove adverse possession for ten years prior to the date of the commencement of this action. We first examine whether Fender's predecessors in title ousted the Heirs.

*1) Carolyn*

*Ouster shows hostility clearly by the drastic failed Quiet Title Claim the heirs filed against me.*  
"Ouster" is the actual turning out or keeping excluded a party entitled to possession of any real property. Grant v. Grant, 288 S.C. 86, 340 S.E.2d 791 (Ct.App.1986). Actual ouster of a tenant in common by a cotenant in possession occurs when the possession is attended with such circumstances as to evince a claim of exclusive right and title and a denial of the right of the other tenants to participate in the profits. Woods v. Bivens, 292 S.C. 76, 354 S.E.2d 909 (1987); Brevard v. Fortune, 221 S.C. 117, 69 S.E.2d 355 (1952). The acts relied upon to establish an ouster must be of an unequivocal nature, and so distinctly hostile to the rights of the other cotenants that the intention to disseize is clear and unmistakable. Felder [v. Fleming], 278 S.C. [327] at 330, 295 S.E.2d [640] at 642 [(1982)]. Only in rare, extreme cases will the ouster by one cotenant of other cotenants be implied from exclusive possession and dealings with the property, such as collection of rents and improvement of the property. Id., 278 S.C. at 331, 295 S.E.2d at 642.

*Further I meet all to require merits for Ten yr. Ouster Now twenty years.*

*Smashum*

Freeman v. Freeman, 323 S.C. 95, 99-100, 473 S.E.2d 467, 470 (Ct.App.1996). "Ouster is presumed from possession only if it is continued for a period of twenty years. Title by ten years' adverse possession by a cotenant against another may be acquired only after actual ouster of which the latter has notice, or should have in the exercise of a reasonable diligence and vigilance." Watson v. Little, 224 S.C. 359, 364, 79 S.E.2d 384, 387 (1953).

*Smashum*

We conclude the conveyance from Arthur to Betty Sloan by quit-claim deed in 1966; the reconveyance by Sloan to Arthur in 1969; the conveyance to himself and Charlie Mae Brantley as joint tenants in 1983, and the conveyance by Brantley<sup>3</sup> to Fender and W. Thomas Parker by a purported warranty deed in 1988, together with the fact Queen Smashum obtained Arthur's permission to plant a garden on the property are insufficient by themselves to establish that the Heirs were ousted. "In the absence of authorization or ratification, any attempted conveyance of the common property by one cotenant is not binding upon his cotenants, and operates to pass title to nothing more than the seller's own interest." 20 Am.Jur.2d Cotenancy and Joint Ownership § 106 (1995).

*conveyance of judge Carborough to his own interest in property will judge appears to*

We recognize that these conveyances are some evidence of ouster and should not be ignored<sup>4</sup> for possession under such deeds and the assertion of exclusive and unequivocal ownership in time could ripen into title by adverse possession.

Nevertheless, Arthur did not enter into possession under such a deed. Moreover, his transfer to Betty Sloan in 1966 and her reconveyance to him in 1969 were by quit-claim deeds which gives rise to the inference Arthur realized he may have had less than a good legal title.<sup>5</sup> In addition, we find that Fender did not present evidence regarding the character of Arthur's possession or that Arthur took actions to exclude the Heirs

*a staunch racist bent on not allowing a single Black (a widow) lady win or prevail, causing false whites, two of them white males all with law degrees as losers. Recognize that they are insavory cheaters with also having no scruples, unscrupulous.*

Derek C. Gilbert, of Beaufort, for Appellants. 1,

Alysoun Meree Eversole, of Beaufort, for Respondent.

CURETON, J: Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir of John Smashum (collectively "Heirs"), appeal the circuit court's grant of summary judgment to Sherwood N. Fender in this quiet title action. We reverse and remand.

FACTS

The parties each claim title to a parcel of unimproved land. Each can trace their titles through a series of intestate and deed conveyances to two "Head of Family Land Certificates" granted by the United States District Tax Commission to Roger Smashum around 1867. Roger Smashum's interest eventually passed through intestacy to his son John Smashum and eventually to two of his grandsons, Arthur Smashum and Thomas Smashum.

Fender claims title through a November 1988 deed derived from a succession of conveyances from Arthur Smashum. In 1966, Arthur Smashum conveyed his interest in the property to Betty M. Sloan by quit-claim deed. Sloan conveyed the property back to Arthur in 1969 by quit-claim deed. In 1983, Arthur conveyed the property to himself and Charlie Mae Brantley as joint tenants with the right of survivorship. Arthur died in 1984 and in 1988 Charlie Mae conveyed the property to W. Thomas Parker and Fender by warranty deed. [1]

Henrietta Jones, Sarah Shepard and Lucy Smith, claim a tenancy-in-common with Fender as heirs of Thomas Smashum. Queen Smashum claims a one-eighth tenancy in common interest with Fender through a 1999 quit-claim deed from Adam Smashum, an heir of Thomas Smashum.

In December 1999, Fender initiated the present action seeking to quiet title to the property. He asserted the absence of estate or administrative proceedings related to the estates of Roger Smashum, John Smashum, and Arthur Smashum left a cloud over his title. In his complaint, Fender alleges the interest of a business associate and his was adverse to all others. His complaint states:

That possession of the property which is the subject of this cause of action has been in actual, open, notorious and exclusive possession of [Fender and a business associate] under

I counterclaim Quiet Title. It is the same as a stranger claiming quiet title as in Fender's heirs of Smashum, the heirs owned an undivided share of the disputed land. I am heir to preserve our land. I have the right to preserve this land and make it available by any of several means. By abandonment

Per line #4 my father's interest passed and returned to his wife mother, Mrs. H.M. Tokert. All property became mother's in 2000 upon dad's death.

1) 10% or 20% share. I am the only co-tenant who did not toss Ma's, Will!

I satisfied all elements for title to adverse possession based on 10 yrs now 20.

https://law.justia.com/cases/south-carolina/court-of-appeals/2003/3639.html

claim of title and that there has been such continued occupation and possession of the premises for over ten (10) years.

Queen Smashum answered on behalf of herself and the heirs of Thomas Smashum in May 2000, and counterclaimed to quiet title to the property in the name of the Heirs. The Heirs claimed Queen Smashum, Henrietta Jones, Sarah Shepard, and Lucy Smith each owned an undivided one-eighth interest in the property.

In June 2001, Fender made a motion for summary judgment. The circuit court conducted a hearing on Fender's motion the following month. In its order issued in August 2000, the court granted summary judgment to Fender. This appeal follows.

STANDARD OF REVIEW *judge Scarborough, was completely inappropriate. It was Improvidently granted, granter to the least worthy! Egregious!*

Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). When determining whether any triable issue of fact exists, the evidence and all inferences, which can reasonably be drawn from it, must be viewed in the light most favorable to the nonmoving party. Faile v. S.C. Dep't of Juvenile Justice, 350 S.C. 315, 324, 566 S.E.2d 536, 540 (2002). If triable issues exist, those issues must be submitted to the jury. Young v. S.C. Dep't of Corrections, 333 S.C. 714, 718, 511 S.E.2d 413, 415 (Ct. App. 1999). Even where no dispute as to evidentiary facts exists, but only as to the conclusions or inferences to be drawn from them, summary judgment should not be granted. Hall v. Fedor, 349 S.C. 169, 173-74, 561 S.E.2d 654, 656 (Ct. App. 2002). Moreover, summary judgment is a drastic remedy that should be cautiously invoked to ensure no person is improperly deprived of a trial of disputed factual issues. Lanham v. Blue Cross & Blue Shield of S.C., 349 S.C. 356, 363, 563 S.E.2d 331, 334 (2002).

LAW/ANALYSIS

The Heirs argue the circuit court erred in finding Fender acquired title to the subject property through adverse possession. We agree.

As an initial matter, the Heirs assert the circuit court erred in failing to find that they are co-tenants in the subject property with Fender. The Heirs cite 86 C.J.S. Tenancy In Common § 8 (1997) for the proposition that upon the intestate death of John Smashum and his wife, his two surviving children, Arthur Smashum and Thomas Smashum owned the property as tenants in common. They further argue that any grantees of Arthur necessarily owned a proportional interest in the property as tenants in common with them as heirs of Thomas Smashum. While acknowledging that Arthur and Thomas were cotenants, Fender

*corporal, (the late) w. Leroy Smith, I prevail justly. All of my co-tenants abandoned the property Charles and Keith also abandoned their grand parents property, ruthless, uncompassionate, selfish estranged nephews!*

*There was obviously genuine issue as to material fact. Judge Scarborough overlooked and deliberated erratically! Here in the egregiously obstructed justice to my Chagrin and unjust temporary defeat. With an injunction against their illegal sale of the property that belongs to me, 87 yr. old black widow of*

*Charles & Keith*

asserts the cotenancy came to an end when Arthur conveyed the property to a stranger, reacquired title to the property, and thereafter conveyed the property by warranty deed to himself and Charlie Mae Brantley. [2] He further refers to the deposition testimony of Queen Smashum that prior to the death of Arthur Smashum in 1985, she obtained permission from him for her and her husband Adam to plant a garden on the property.

As stated in the case of Andrews v. McDade, 201 S.C. 24, 28-29, 21 S.E.2d 202, 204 (1942):

① As to real property, the general rule is that where the state has passed a perfect legal title, the doctrine of abandonment is not applicable thereto, and that the title vested in the grantee cannot be affected or transferred by his act in departing from the land and leaving it unoccupied, or otherwise ceasing to exercise dominion over it . . . .

② At common law, while an incorporeal hereditament may be lost by abandonment, the principle is firmly established that perfect legal title to a corporeal hereditament cannot be abandoned, or lost by abandonment, operating alone, and dissociated from other acts or circumstances; and so it is frequently said that so far as land is concerned, there can be an abandonment only in a case where the title is imperfect, or less than absolute. The doctrine of abandonment has, therefore, no application to a fee simple; but inchoate rights and equitable rights in land may be abandoned, and so may mere possessory rights, and rights acquired by user ....

a) \* Although technically a fee simple title holder may not by nonuse abandon his title, his nonuse and failure to assert his title to the property may constitute an important circumstance in a determination of whether another has held the property adversely to the title holder. As clarified at oral argument, Fender does not claim he ousted the Heirs, but rather claims his predecessors in title ousted the Heirs. Thus, he reasons he is not a cotenant with the Heirs and thus need only prove adverse possession for ten years prior to the date of the commencement of this action. We first examine whether Fender's predecessors in title ousted the Heirs. *I know that we ousted the heirs by our need for living space once shared but no longer because nobody else came to help care for*

b) \* *we have held all property adversely*  
c) \* *pro- party adversely*  
③ *I can prove that my taking over the subject property other than we were ousted. I have never been available for oral argument not good and my opponents don't miss oral arguments where they comprise TRUTH!*  
"Ouster" is the actual turning out or keeping excluded a party entitled to possession of any real property. Grant v. Grant, 288 S.C. 86, 340 S.E.2d 791 (Ct. App. 1986). . . . Actual ouster of a tenant in common by a cotenant in possession occurs when the possession is attended with such circumstances as to evince a claim of exclusive right and title and a denial of the right of the other tenants to participate in the profits. Woods v. Bivens, 292 S.C. 76, 354 S.E.2d 909 (1987); Brevard v. Fortune, 221 S.C. 117, 69 S.E.2d 355 (1952) acts relied upon to establish an ouster must be of an unequivocal nature, and so hostile to the rights of the other cotenants that the intention to disseize is c'  
*pa, just us. we can*

*This par 4 or 5 if the 11 line above is a par?*

*Please Strongly Consider & describes what has happened in the with well educated people more than one home even several*

(4)

(4)

unmistakable. Felder, 278 S.C. at 330, 295 S.E.2d at 642. Only in rare, extreme cases will the ouster by one cotenant of other cotenants be implied from exclusive possession and dealings with the property, such as collection of rents and improvement of the property. Id., 278 S.C. at 331, 295 S.E.2d at 642.

*Improvement halted by judge's abuse of power that happened when he refused to hear my*

Freeman v. Freeman, 323 S.C. 95, 99-100, 473 S.E.2d 467, 470 (Ct. App. 1996). "Ouster is presumed from possession only if it is continued for a period of twenty years. Title by ten years' adverse possession by a cotenant against another may be acquired only after actual ouster of which the latter has notice, or should have in the exercise of a reasonable diligence and vigilance." Watson v. Little, 224 S.C. 359, 364, 79 S.E.2d 384, 387 (1953).

We conclude the conveyance from Arthur to Betty Sloan by quit-claim deed in 1966; the reconveyance by Sloan to Arthur in 1969; the conveyance to himself and Charlie Mae Brantley as joint tenants in 1983, and the conveyance by Brantley [3] to Fender and W. Thomas Parker by a purported warranty deed in 1988, together with the fact Queen Smashum obtained Arthur's permission to plant a garden on the property are insufficient by themselves to establish that the Heirs were ousted. "In the absence of authorization or ratification, any attempted conveyance of the common property by one cotenant is not binding upon his cotenants, and operates to pass title to nothing more than the seller's own interest." 20 Am. Jur. 2d Cotenancy and Joint Ownership § 106 (1995). We recognize that these conveyances are some evidence of ouster and should not be ignored [4] for possession under such deeds and the assertion of exclusive and unequivocal ownership in time could ripen into title by adverse possession. Nevertheless, Arthur did not enter into possession under such a deed. Moreover, his transfer to Betty Sloan in 1966 and her reconveyance to him in 1969 were by quit-claim deeds which gives rise to the inference Arthur realized he may have had less than a good legal title. [5] In addition, we find that Fender did not present evidence regarding the character of Arthur's possession or that Arthur took actions to exclude the Heirs from the property or asserted exclusive ownership over the land. Likewise, there is no evidence of the character of Charlie Mae's possession of the property.

We conclude, therefore, that a question of fact exists whether Fender established the Heirs were ousted of their interest in the property by Arthur or Charlie Mae. We further conclude that under the posture of the record in this case, Fender and the Heirs are co-tenants in the property. Therefore, Fender must show that his actions toward the property amounted to an ouster of the Heirs before he can establish title by adverse possession.

There are well-established principles applicable to cotenancy, which control the controversy . . . . A cotenant has the right, in common with his cotenants, to the possession

5

5

of the property owned in common, so ordinarily the possession by one cotenant is the possession of all. The latter ceases when the exclusive possession of a cotenant becomes adverse to the right of possession by the other cotenant or cotenants; but the hostile character of the possession must be such as to amount to an ouster of the other cotenant or cotenants and must be clearly and unmistakably established by the evidence. While the

\* possessor need not give express notice of the hostility of his possession to the other or others, the nature of it must be brought home, as it has been said, to the other owner or owners. *The other cotenants bring things home with clarity by their uniform request that I sell the property where I have primary ownership. Then*  
Watson, 224 S.C. at 365, 79 S.E.2d at 387. One claiming title to land by adverse possession has the burden of proving adverse possession by clear and convincing evidence. Lusk v. Callaham, 287 S.C. 459, 460, 339 S.E.2d 156, 157 (Ct. App. 1986). *I disagree but offer to buy their interest the file a,*

The circuit court makes no reference to ouster in its order, but analyzes Fender's claim of "Dead-title based solely on an adverse possession analysis. In fact, as we understand Fender's claim, he does not claim title to the property pursuant to ouster of the heirs, but rather based solely on adverse possession. Inasmuch as ouster is a prerequisite to a cotenant claiming title by adverse possession, we will analyze Fender's evidence to determine whether a question of fact exists as to whether Fender met this prerequisite. *In the water claim against me, many owners*

The circuit court found the ten-year statutory period began with the November 14, 1988 deed to Fender and Parker, and ended in November 1998. In finding adverse possession, the court relied on: 1) the receipt by Fender of a warranty deed dated November 14, 1988; 2) the paying of property taxes for the statutory period of ten years; 3) the assertion of title by the giving and receiving of fractional interests through successive conveyances by warranty deeds during the statutory period; and 4) the erection of no trespassing signs on the property during the statutory period. The trial court also presumed Adam and Queen Smashum's previous use of the property was merely permissive, based on Queen's statement that Arthur gave her "the privilege" to plant a garden on the property before his 1984 death. While Fender's affidavit states he and his co-owner "exercised ownership rights ...by tending and maintaining the property," the affidavit does not indicate how, nor does the circuit court place any significance to this statement. *Li's Pen- don, and are now in Ct, hearing 01/27/25 Jan 27 2025 (w) plans laid out*

We find the actions cited by the circuit court do not as a matter of law establish ouster and consequently do not show Fender obtained title to the property by adverse possession. Fender's proof is not clear and unequivocal that he exercised "hostile, open, actual, notorious and exclusive" possession of the tract throughout the ten-year period. The fact that Fender placed "No Trespassing" signs on the property, without more, cannot be shown to be adverse to the rights of the other co-tenants. Especially in the light of the deposition *here 28 yrs 20 yrs ex- clu- sive- ly.*

*Cont- diate help, "Injustice" Relief that the SC Dist' Ct Com Sadly the judge's Mitchell orchestrated this Travesty of justice. I need immediate help. Act.*

6

testimony of Queen Smashum that she visited the property in recent years and did not see the "No Trespassing" signs allegedly posted by Fender. See *Felder v. Fleming*, 278 S.C. 327, 330, 295 S.E.2d 640, 642 (1982) and *Horne v. Cox*, 237 S.C. 41, 44-45, 115 S.E.2d 513, 515 (1960) (Possession of one tenant in common is the possession of all and, for one tenant to establish title against a cotenant by adverse possession, he must overcome the strong presumption that he holds possession in recognition of the cotenancy.) In addition, the fact that Fender paid the taxes does not constitute ouster. See *Watson*, 224 S.C. at 368, 79 S.E.2d at 387 (payment of taxes by a cotenant ordinarily entitles him only to a proportionate contribution from the other cotenants). The circuit court erred in finding that Fender established title by adverse possession to the subject property. 6

For the forgoing reasons, the circuit court's summary judgment order is reversed and the case remanded to the circuit court for proceedings consistent with this decision.

REVERSED AND REMANDED. [6] ✖ ←

STILWELL and HOWARD, JJ, concur.

[1] In February 1990, Parker and Fender conveyed their interests to Fender, Parker-Matthews Investors, Inc., and Mary Hudson Feltner. Feltner conveyed her interest to Fender in 1993.

[2] Fender cites 20 Am. Jur. 2d Cotenancy and Joint Ownership, Section 31 for the proposition that "a tenancy in common will come to an end upon forfeiture or abandonment of the common property, upon its conveyance, voluntary or otherwise, to a stranger, or upon the definite ouster by the cotenant of his fellows."

[3] Arthur died in 1985.

[4] These conveyances arguably constitute color of title under our adverse possession statutes. *Woods v. Bivens*, 292 S.C. 76, 78-79, 354 S.E.2d 909, 911 (1987).

[5] According to Fender, he had actual notice of these deeds.

[6] Because we reverse on this issue, we do not address Smashum's other issues on appeal.

Some case metadata and case summaries were written with the help of AI, which can produce inaccuracies. You should read the full case before relying on it for legal research purposes.

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Unethical

# Corruption at the Circuit Court

with Scarborough ~~He~~ stole my  
Judge Mikell Scarborough's State the position to preside  
Day in Court

That possession of the property which is the subject of this cause of action has been in actual, open, notorious and exclusive possession of [Fender and a business associate] under claim of title and that there has been such continued occupation and possession of the premises for over ten (10) years.

Note  
please  
Ouster  
involved (w)  
Queen's  
Counter  
Claim  
against  
Quiet  
Title  
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have prevailed by  
Counter-  
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judge  
know in advance  
did Atty. know this?  
this?  
cgs

Plaintiffs claim a recent corrective "D" of Distribution, non-existent, Queen Smashum answered on behalf of herself and the heirs of Thomas Smashum in May 2000, and counterclaimed to quiet title to the property in the name of the Heirs. The Heirs claimed Queen Smashum, Henrietta Jones, Sarah Shepard, and Lucy Smith each owned an undivided one-eighth interest in the property. Queen Smashum spoke/wrote that there was Deed of Distribution. She owned 1/8 interest. She counter claimed successfully.  
In June 2001, Fender made a motion for summary judgment. The circuit court conducted a hearing on Fender's motion the following month. In its order issued in August 2000, the court granted summary judgment to Fender. This appeal follows.

No redaction  
such is

in my name

This judge still lies. Judge Mikell Scarborough ignored the standard then lied, reporting that he observed it.

## STANDARD OF REVIEW

Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). When determining whether any triable issue of fact exists, the evidence and all inferences, which can reasonably be drawn from it, must be viewed in the light most favorable to the nonmoving party. Faile v. S.C. Dep't of Juvenile Justice, 350 S.C. 315, 324, 566 S.E.2d 536, 540 (2002). If triable issues exist, those issues must be submitted to the jury. Young v. S.C. Dep't of Corrections, 333 S.C. 714, 718, 511 S.E.2d 413, 415 (Ct. App. 1999). Even where no dispute as to evidentiary facts exists, but only as to the conclusions or inferences to be drawn from them, summary judgment should not be granted. Hall v. Fedor, 349 S.C. 169, 173-74, 561 S.E.2d 654, 656 (Ct. App. 2002). Moreover, summary judgment is a drastic remedy that should be cautiously invoked to ensure no person is improperly deprived of a trial of disputed factual issues. Lanham v.

To Carolyn Tolbert Smith had counter claim such issues here above!  
Sheet #4  
Judge Mikell Scarborough  
rough  
skipped a notch + sig  
pg 66  
more

copy 3

My claim, having resided here with only my children 20 yrs for my children and 28 for me

other cotenants that the intention to disseize is clear and unmistakable. Felder, 278 S.C. at 330, 295 S.E.2d at 642. Only in rare, extreme cases will the ouster by one cotenant of other cotenants be implied from exclusive possession and dealings with the property, such as collection of rents and improvement of the property. Id., 278 S.C. at 331, 295 S.E.2d at 642.

Freeman v. Freeman, 323 S.C. 95, 99-100, 473 S.E.2d 467, 470 (Ct.App. 1996). "Ouster is presumed from possession only if it is continued for a period of twenty years. Title by ten years' adverse possession by a cotenant against another may be acquired only after actual ouster of which the latter has notice, or should have in the exercise of a reasonable diligence and vigilance." Watson v. Little, 224 S.C. 359, 364, 79 S.E.2d 384, 387 (1953).

We conclude the conveyance from Arthur to Betty Sloan by quit-claim deed in 1966; the reconveyance by Sloan to Arthur in 1969; the conveyance to himself and Charlie Mae Brantley as joint tenants in 1983, and the conveyance by Brantley to Fender and W. Thomas Parker by a purported warranty deed in 1988, together with the fact Queen Smashum obtained Arthur's permission to plant a garden on the property are insufficient by themselves to establish that the Heirs were ousted. "In the absence of authorization or ratification, any attempted conveyance of the common property by one cotenant is not binding upon his cotenants, and operates to pass title to nothing more than the seller's own interest." 20 Am.Jur.2d Cotenancy and Joint Ownership § 106 (1995). We recognize that these conveyances are some evidence of ouster and should not be ignored for possession under such deeds and the assertion of exclusive and unequivocal ownership in time could ripen into title by adverse possession. Nevertheless, Arthur did not enter into possession under such a deed. Moreover, his transfer to Betty Sloan in 1966 and her reconveyance to him in 1969 were by quit-claim deeds which gives rise to the inference Arthur realized he may have had less than a good legal title. In addition, we find that Fender did not present evidence regarding the character of Arthur's possession or that Arthur took actions to exclude the Heirs from the property or asserted exclusive ownership over the land. Likewise, there is no evidence of the character of Charlie Mae's possession of the property.

Charles + Keith have not contributed anything nor been given permission by me, primary owner, to do anything per my home at 338 Fifth Ave and Sixth St. Part of parcel lots 326 + 327

Here

Arthur died in 1985.

These conveyances arguably constitute color of title under our adverse possession statutes. Woods v. Bivens, 292 S.C. 76, 78-79, 354 S.E.2d 909, 911 (1987).

According to Fender, he had actual notice of these deeds.

Precisely my case Sept 21 2022

We conclude, therefore, that a question of fact exists whether Fender established the Heirs were ousted of their interest in the property by Arthur or Charlie Mae. We further conclude that under the posture of the record in this case, Fender and the Heirs are co-tenants in the property.

Therefore, Fender must show that his actions toward the property amounted to an ouster of the Heirs before he can establish title by adverse possession. *Fender had 10 yrs. of input. In this case no one has contributed at all. Charles attempted to contribute for leverage herein by having been self directed to pay the 1/2 yr. of taxes on my property where I pd taxes for more than 18 yrs. A gain I pd the taxes his money was determined Surplus!*

There are well-established principles applicable to cotenancy, which control the controversy. . . . A cotenant has the right, in common with his cotenants, to the possession of the property owned in common, so ordinarily the possession by one cotenant is the possession of all. The latter ceases when the exclusive possession of a cotenant becomes adverse to the right of possession by the other cotenant or cotenants; but the hostile character of the possession must be such as to

Self directed to pay the 1/2 yr. of taxes on my property where I pd taxes for more than 18 yrs. A gain I pd the taxes his money was determined Surplus!

CASE NO: 2024 CP10-06162

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code § 15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

*Esquire, my opponents*

*As to CASE NO: 2024cp 1006162*

*Mediation Skipped while rushing to steal my property. None is to profit from "by Law"*

*Mediation Skipped by opponents William Kalivas, Esquire and Ashley Andrews*

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

*William Kalivas nor Ashley Andrews has contacted Ave, suggesting a Mediator. Ave suggested an Abby Dodd of Mt. Pleasant.*





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*"Tzedek, tzedek tirdof — Justice, justice you shall pursue."*

Deuteronomy 16:20

→ Dear Ave-Marie,  
Carolyn's daughter

*I, Carolyn T. Smith do pursue "Justice" in obedience to a just God.  
Now I pursue "Justice" through you. Kindly help me.*

The late Justice Ruth Bader Ginsburg had a poster with those famous words from the Torah hanging in her Supreme Court chamber — a reminder of the Jewish values that inspired her lifelong commitment to social justice.

I'm writing to invite you to join a movement of Jewish global citizens founded nearly four decades ago to put these values into action. I am deeply proud to lead American Jewish World Service (AJWS), an organization dedicated to tikkun olam — the sacred Jewish responsibility to repair our broken world.

*I am a regular financial supporter of "The Internatl Fellowship of Christians And Jews"*

Even during this devastating time for so many of us, our responsibility to stand up for others endures.

*For 20 years AJWS has been working to defend human rights around the globe. We...*

REPAIR THE WORLD

**TIKKUN OLAM**

REPARAR el mundo

DUNIA BAWTHALA

दुनिया दुरुस्त करो

NENDA UKATENGENEZA DUNIA

Réparer le monde

ช่วยกันซ่อมโลก

RÉPARÉ MOND LAN

拯救世界

اصلاح العالم

American Jewish World Service | ajws.org

*"Man Tumbles. Truth Rises  
And Never Looks Back."*

*Sir Winston Churchill*

*CT Smith*

*"To bring  
about change,  
you must not  
be afraid to  
take the  
first step."*

—Rosa Parks



AMERICAN  
JEWISH  
WORLD  
SERVICE