

Ave Smith
PLAINTIFF(S)

Helen Tolbert Heirs of et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (*CHECK REASON*):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (*CHECK REASON*):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the court upon a Motion for Title to Adverse Possession by the Plaintiff and a Motion to Dismiss on behalf of the Defendant. The hearing was held on March 17th via WebEx. Present at the hearing was Ave Smith, appearing pro se, and William Kalivas and Ashley Andrews on behalf of the Defendants.

After reviewing the arguments of counsel and applicable law, this Court finds that Plaintiff has failed to establish the necessary elements for adverse possession.

IT IS THEREFORE ORDERED that Plaintiff's motion for adverse possession is hereby DENIED and Defendant's motion to dismiss is hereby GRANTED.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/28/2025 .

Betty J Tolbert
Carolyn T Smith
Helen Tolbert
Ave Smith for Ave Smith
Helen Tolbert Heirs of
Sara J Latten
Ave Smith for Ave Smith

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Ave Smith VS Helen Tolbert Heirs of , defendant, et al

Case Number: 2024CP1006162

Type: Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope