

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JUL 28 2025

SC Court of Appeals

Appeal from Eleventh Circuit

LEXINGTON COUNTY

William C. McMaster, Circuit Court Judge

Appellate Case No. 2024-001668

Estate of Carrie Muller Smith Lewis,Respondent

v.

Isaac Smith, Jr.,Appellant

RECORD ON APPEAL OF APPELLANT

Isaac Smith, Jr, Pro Se
4726 4th Avenue, #16
Los Angeles, CA 90043

Law Office of Boykin & Davis
220 Stoneridge Dr
Kenneth Davis, Esquire
Suite 200
Columbia, SC 29210
Telephone: (803) 771-5797
Attorney for Respondent

INDEX

Form 4 Order of October 4, 2024.....1

Order of September 20,
2024.....2

Order of October 2, 2024.....3

Proof of Service of the Probate Court of the Appeal.....4

Transcript of Proceedings.....5

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), SCRPC.



Lexington Common Pleas

Case Caption: Isaac Smith Jr VS Estate of Carrie Muller Smith Lewis
Case Number: 2024CP3200809
Type: Order/Electronic Form 4

So Ordered

William C. McMaster, III

Electronically signed on 2024-10-04 12:32:23 page 3 of 3

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Isaac Smith, Jr.,

Appellant,

vs.

Estate of Carrie Muller Smith Lewis,

Appellee.

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

C.A. No. 2024-CP-32-00809

**ORDER GRANTING DENIAL OF
PLAINTIFF'S MOTION TO STAY
ACTION UNTIL COMPLETION OF
RICHLAND COUNTY MALPRACTICE
ACTION**

This matter came before the Court on July 31, 2024, on Appellant's Motion to Stay Action, filed May 14, 2024, and Appellee's Motion to Dismiss made on the record on July 31, 2024. Appellant filed a Notice of Appeal from an order of the Lexington County Probate Court issued by letter dated February 7, 2024.¹

S.C. Code 62-1-308 governs an appeal from an order of a Probate Court. This section provides that "[t]he notice of intention to appeal to the circuit court must be filed in the office of the circuit court and in the office of the probate court and a copy served on all parties not in default within ten days after receipt of written notice of the appealed from order, sentence, or decree of the probate court."

The certificate of service attached to the Notice of Appeal does not indicate that the notice was sent to or filed in the Probate Court. Further, the certificate of service of the Notice does not show proper service on Appellee's counsel of record, as the certificate indicates the Notice was mailed to 270 Stoneridge Drive, while counsel's address is actually 220 Stoneridge

¹ The formal order was filed by the Court on March 1, 2024. The record shows that Appellant made no filings upon receipt of the formal order.

Drive, Suite 100. Appellant acknowledged the address error on the record. Timely service of the Notice of Appeal is jurisdictional; it may not be extended by the Appellate Court, and failure to comply with procedural requirements for an appeal divests the Appellate Court of appellate jurisdiction. State v. Devore, 416 S.C. 115 (S.C. App. 2015).

Similarly to service of the Notice of Appeal, the certificate of service of the Motion to Stay does not show proper service on Appellee's counsel of record, as the certificate indicates the Notice was mailed to 270 Stoneridge Drive, while counsel's address is actually 220 Stoneridge Drive, Suite 100. Again, Appellant acknowledged the address error on the record.

Upon careful consideration of each party's arguments, it appears to the Court that the underlying appeal must be dismissed as requested by Appellee in her oral Motion to Dismiss for Lack of Subject Matter Jurisdiction, as proper service is jurisdictional. The issue of subject matter jurisdiction may be raised at any time." Tatnall v. Gardner, 564 S.E.2d 377, 378 (S.C. App. 2002).

Further, Appellant's Motion to Stay is denied because the Motion is mooted by the dismissal of the underlying appeal and because of improper service. Accordingly, this Court dismisses the Appeal and denies the Motion to Stay.

AND IT IS SO ORDERED.

The Honorable William C. McMaster, III
Circuit Court Judge

September ____, 2024
Columbia, South Carolina

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Lexington
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP3200809

Isaac Smith, Jr
PLAINTIFF(S)

Estate of Carrie Muller Smith Lewis
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:

After careful consideration and review of the filings in this case, Appellant's Motion for Reconsideration and Motion for Clarification are Denied.

It Is So Ordered.

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 10/04/2024 .

Isaac Smith, Jr for Isaac Smith, Jr
Estate of Carrie Muller Smith Lewis for Estate of Carrie Muller Smith Lewis
Estate of Carrie Muller Smith Lewis for Estate of Carrie Muller Smith Lewis
Isaac Smith, Jr for Isaac Smith, Jr

NAMES OF TRADITIONAL FILERS SERVED BY MAIL



Lexington Common Pleas

Case Caption: Isaac Smith Jr VS Estate of Carrie Muller Smith Lewis
Case Number: 2024CP3200809
Type: Order/Dismissal

So Ordered

William C. McMaster, III

Electronically signed on 2024-09-20 16:43:57 page 3 of 3

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), SCRPC.

FORM 14

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

RECEIVED

MAR 10 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Eleventh Circuit
LEXINGTON COUNTY
William C. McMaster, Circuit Court Judge

Appellate Case No. 2024-001668

Estate of Carrie Muller Smith Lewis, Respondent

v.

Isaac Smith, Jr., Appellant

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Form 4 Order of October 4, 2024;
2. Order of September 20, 2024
3. Order of October 2, 2024;
4. Transcript of Proceedings
5. Filed Notice of Appeal to Probate Court

I certify that this designation contains no matter which is irrelevant to this appeal.

Isaac Smith, Jr., Pro Se
4726 4th Avenue, #16
Los Angeles, CA 90043
Telephone 323-295-9510

PRESS FIRMLY TO SEAL



PRESS FIRMLY TO SEAL

Retail



U.S. POSTAGE PAID
FM
LOS ANGELES, CA 90008
NOV 25, 2024

\$10.45

RDC 03 0 Lb 8.10 Oz 823274800877-09



PRIORITY[®]
MAIL

- Expected delivery date specified for domestic use.
- Domestic shipments include \$100 of insurance (restrictions apply).
- USPS Tracking[®] service included for domestic and many international destinations.
- Limited international insurance.
- When used internationally, a customs declaration form is required.

Insurance does not cover certain items. For details regarding claims escalations see the Domestic Mail Manual at <http://ps.usps.com>.

See International Mail Manual

EXPECTED DELIVERY DAY: 12/02/24

USPS TRACKING[®] #



8006 8142 4488 4334 9988 82

FLAT RATE
ONE RATE IN ANY WEIGHT

TRACKED & INSURED

To schedule Free Package Pickup,
open the QR code.

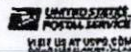


PS00001000014

EP147 July 2022
00: 12 1/2 x 9 1/2

USPS.COM/PICKUP

PRIORITY[®]
* MAIL *



FROM:
ISAAC SMITH, JR
2916 1/4 W. VERNON AVE.
LOS ANGELES, CA,
90008

TO:
THE SOUTH CAROLINA
COURT OF APPEALS
P.O. BOX 11629
COLUMBIA, S. C.
29211

Label 950, 10-03-2016 FOR DOMESTIC AND INTERNATIONAL USE

This mail piece is for postage on the U.S. Postal Service and is provided solely for reference. Priority Mail and Priority Mail International are registered trademarks of the United States Postal Service. © 2024 U.S. Postal Service. All rights reserved.

STATE OF SOUTH CAROLINA)	IN THE COURT OF
COUNTY OF LEXINGTON)	2024-CP-32-00809

ISAAC SMITH JR.,)	
Plaintiff,)	
vs.)	TRANSCRIPT OF RECORD
CARRIE MULLEN LEWIS,)	
Defendant)	

July 31, 2024
 Lexington, South Carolina

B E F O R E:

HONORABLE WILLIAM C. MCMASTER, III, JUDGE

A P P E A R A N C E S:

ISAAC SMITH, PRO SE
 For the Plaintiff

KENNETH DAVIS, ESQUR
 For the Defendant

Official Court Reporter

Crystal Banks (Transcribed)

1 MR. DAVIS: Your Honor, I was wondering.

2 THE COURT: Yes, sir.

3 MR. DAVIS: Out of economy, this is on
4 Friday at 9:30 also, he has some motion to stay -- there's
5 a probate matter that he filed an appeal on but he didn't
6 serve it. We've not been served with the appeal.

7 THE COURT: Okay.

8 MR. DAVIS: I think he attempted to serve
9 it, but, you know, off of his certificate of service the
10 addresses are incorrect.

11 THE COURT: What's the date of this one?

12 MR. DAVIS: August 2nd at 9:30.

13 THE COURT: August 2nd at 9:30.

14 MR. DAVIS: It's number two I believe on
15 August 2nd at 9:30.

16 THE COURT: All right. You have another,
17 there is another hearing it appears August 2nd at 9:30, Mr.
18 Smith.

19 MR. SMITH: We can do it now.

20 THE COURT: 2024-CP-32-00809, it's the
21 same parties. Mr. Davis, you don't --

22 MR. DAVIS: Same parties. Same parties.

23 THE COURT: Same parties. Mr. Smith, you
24 have any objection going forward now?

25 MR. SMITH: No problem, sir.

4

1 THE COURT: All right. So will be happy
2 to hear form the --

3 MR. DAVIS: It's his motion.

4 THE COURT: It's his motion. Yes, Mr.
5 Smith, it's your motion. Be happy to hear from you.

6 MR. SMITH: Yes, sir. I have a motion
7 for this particular case to stay simply because as Mr.
8 Davis mentioned earlier, I have a case in Richland County
9 that involves Attorney Elnora Dean. This case that we ask
10 them to stay was in front of Judge Eckstrom on February
11 7th. On February 7th my sister, the defendant Sonya Lewis,
12 and her former attorney Elnora Dean lied in Judge
13 Eckstrom's court. Now, on the same day, February 7th, 2024
14 Attorney Elnora Dean filed papers in Richland County
15 restating the same information that she stated in Judge
16 Eckstrom court on February 7th in the morning, but there's
17 also legal documents of Attorney Elenora Dean
18 contradicting her own statement. So, we're asking the
19 stay so that once Richland County Ruling, and find that
20 Attorney Elenora Dean lied in Judge Eckstrom's court. She
21 lied when she filed the paperwork in Richland County Court
22 and that's going to affect what's happening in Lexington
23 County Court. So, we're asking this court to stay this
24 case.

25 THE COURT: All right. Mr. Davis, be

1 happy to hear from you.

2 MR. DAVIS: Your Honor, yes. He's asking
3 the court to -- he filed an appeal of a ruling of Judge
4 Eckstrom in the probate court after a trial, and the
5 Richland County matter that he's talking about is
6 unrelated factually. It's two entirely different people.
7 You know, the Lexington County case is Estate of Carrie
8 Muller Lewis, and the Richland County case I think Judge
9 McCulloch was sued in that somehow too, but it involved
10 Ms. Lewis' sister, separate human beings. No factual
11 relationship to this particular case, and the underlining
12 -- in the motion and underlining appeal neither of them
13 have been properly served. He's filed a certificate of
14 service for the underlining appeal which was filed on
15 February 20th, and he lists my address as P.O. Box 11844
16 which is my right P.O. Box, but he has 270 Stone Ridge
17 Drive. I do business at 220 Stone Ridge Drive Suite 100,
18 29210, and so I never got, you know, I just happen to
19 stumble across this particular stuff in preparation for
20 the other the -- the prior hearing. I just stumbled
21 across it in the past couple days but, you know, he did
22 not properly serve this notice of appeal. So, this notice
23 of appeal is not proper before the court anyway, and then
24 again with this motion it has the same defect in service
25 where he tried to serve us at 270 Stone Ridge Drive, and

1 on all the pleadings our address is 220 Stone Ridge Drive
2 Suite 100, 20210 or P.O. Box 11844, 20211. And he somehow
3 managed to get the street address wrong, and so that zip
4 doesn't match that, and the P.O. Box doesn't match that
5 zip. So, we've not -- we've never got the appeal so we
6 really think he has an appeal to stay.

7 MR. SMITH: Can I speak, Your Honor?

8 THE COURT: Anything else, Mr. Davis?

9 MR. DAVIS: Nothing, Your Honor.

10 THE COURT: All right. Now, Mr. Isacc,
11 you just told -- Mr. Smith, you just told me in the other
12 case about notice how important that was. Now, what do
13 you say about that, what he just said?

14 MR. SMITH: What he just --

15 THE COURT: He just talked about you sent
16 it to the wrong address. In the prior case you was
17 telling me you weren't getting notices.

18 MR. SMITH: I was not getting notices.

19 THE COURT: How --

20 MR. SMITH: In his -- if he's correct but
21 he got the information. I may have made a mistake in
22 sending it to him. If his address is 220, and I put on
23 the envelope 270 then that was a mistake on my part.

24 THE COURT: All right.

25 MR. SMITH: Now, getting back what he

1 | said, Attorney Elnora Dean stated in Judge Eckstrom court
2 | that she's representing Mrs. Carrie Lewis, my mom. In the
3 | Richland County Case, Attorney Dean is saying she
4 | represented Mrs. Carrie Lewis, my mom. Same, the same
5 | people are playing.

6 | You're playing word games so you need to
7 | stop it. Attorney Dean says in both courts she's
8 | representing Mrs. Carrie Lewis, and she lied both times.

9 | THE COURT: All right, Mr. Smith.

10 | MR. SMITH: Yes, sir.

11 | THE COURT: Address me, you don't address
12 | him, you understand?

13 | MR. SMITH: I apologize, sir.

14 | THE COURT: All right. Anything further?

15 | MR. SMITH: No, sir.

16 | MR. DAVIS: I mean, if he wants to stay
17 | his appeal, but again I don't think it's a proper appeal
18 | in the first place. So I'm asking the court to just
19 | dismiss the appeal for lack of service, because you know
20 | that is fatal to any appeal the -- you have to file and
21 | serve. He may have filed, but he did not serve because he
22 | did not serve at the, you know, the attorney at the
23 | address of record.

24 | THE COURT: You want it dismissed for
25 | lack of service? Is --

1 MR. DAVIS: Right.
2 THE COURT: Argument?
3 MR. DAVIS: Yes, Your Honor. Yes, sir.

4 THE COURT: I understand he's indicated
5 that he may have made a mistake on the notices but he
6 would like to go forward, is that --

7 MR. SMITH: I would like this particular
8 case to stay until the Richland County cases -- he's
9 bringing up the appeal situation, and we're asking the
10 motion is for this to stay. He's trying to say he wants
11 to bring up the appeal situation. Our motion here is to
12 stay.

13 MS. DAVIS: Your Honor, the motion is
14 filed with the caption of the appeal. He's asking the
15 court to stay making a decision on the appeal until the
16 Richland County -- until this unrelated Richland County
17 case is decided. Which I think he may have some appeal
18 pending on that. His whole mantra is to file, file, file,
19 file, file, kick the can down the road four or five, six,
20 seven, eight, nine ten years at a time, that's just what
21 he does. And so again, he's acknowledged that he did not
22 properly serve the underlining appeal for which he is
23 asking the court to stay, but I just ask that the court
24 dismiss the appeal for lack of service. Thank you, Your
25 Honor.

1 THE COURT: All right, thank you.
2 All right. I will take these two matters
3 under advisement, and I will have a ruling probably next
4 week on them.

5 Thank you very much for both being here
6 and being here on time.

7 MR. DAVIS: Thank you, Your Honor.

8 MR. SMITH: Thank you.

9 THE COURT: Thank you.

10 END OF PROCEEDINGS
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

I, Crystal Banks, Official Court
Reporter/Transcriber, do hereby certify that the
foregoing is a true, accurate and Complete
Transcript of Record of the proceedings had and
evidence introduced in the hearing of the captioned
case, relative to appeal, in the Court of Family
for Dorchester County, South Carolina, on the day
of July 31, 2024.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

Crystal Banks,
Court Reporter/Transcriber



Lexington Common Pleas

Case Caption: Isaac Smith Jr VS Estate of Carrie Muller Smith Lewis
Case Number: 2024CP3200809
Type: Order/Electronic Form 4

So Ordered

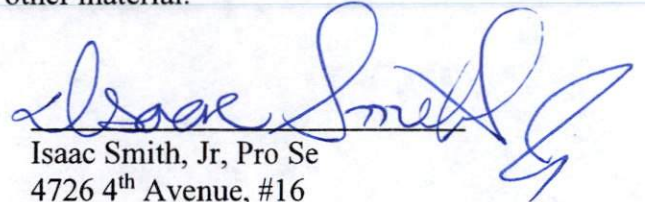
William C. McMaster, III

Electronically signed on 2024-10-04 12:32:23 page 3 of 3

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

July 25, 2025



Isaac Smith, Jr, Pro Se
4726 4th Avenue, #16
Los Angeles, CA 90043

RECEIVED

JUL 28 2025

SC Court of Appeals