

Copy 2  
Needs  
3 C2

1a

## Statement of Issues On Appeal

Judge CC Pape's denying me jury trial so warranted

- 1) The, "Improviently," granting of my property at 338 Fifth Ave. + 0'6<sup>th</sup> St. in Mt. Pleasant, SC 29464 and Judge C. Clyburn's Denial of my "Motion" for "Jury Trial?"
- 2) Neglect and deliberate refusal of the Master In Equity who is Judge Mikell Scarborough, to allow the argument "Counterclaiming" the "frivolous," "meritless" Law suit i.e., "Quiet Title Lis Pendens," "Dead-In-The-Water," already by the SC Court of Appeals in an appeal found in *Justia - Fender vs. Heins of Amashum* in 2003 Reversed And Remanded "Q.T."
- 3) <sup>To</sup> Uncover the "TRUTH," with Judge Scarborough's false, untrue claim that he considered and adhered to the "Standard of Review," wherein he blocked all argument per' the "Counterclaim," i.e. argument for Defendant's claim for a lawful, "Law Suit" with merit i.e. Defendant's "right" to "Title to Adverse Possession," after having resided on the property exclusively for eighteen yrs. and having satisfied easily all six (6) elements required for "Title To Adverse Possess. This judge)
- 4) The Defendant takes issue with this judge's having persecuted and caused me <sup>with</sup> oppression for five, long, stressful yrs. he and his co-conspirators who on a duressment consented to keep this judge on this case the duration of the case; to sabo

1a

Sabotage

Take the S.G.A.M., Fraudulent, ghost hearing where by the judge would and did sit before Defendants and Plaintiffs; started upside down, hearing, only, Summary judgment argued by the judges favored lawyers. He ignored the opposer ~~the~~ opposed to the unlawful treatment this judge afforded Carolyn, the opposer <sup>whom</sup> this judge did not want to prevail. So he proceeded to shut down the hearing, leaving one party, Carolyn, and her family dangling, bewildered, distraught

<sup>a</sup> 5. Carolyn takes issue with ~~my~~ <sup>her</sup> attorney's having tossed, kicked aside her fiduciary relation with me without allowing ~~her~~ input into her "throwing me under the bus" as it were and after ~~it~~ had paid her upwards of \$16,000.00.

I take issue (w) her refusing to appeal the <sup>m</sup> "improvidently" granting of my only home that I've preserved, improved, maintained as a legacy to our parents and open to all family, after now, new needed repairs existing are accomplished.

<sup>a</sup> 6. I take issue with the judge and his co-conspirators for any and all oral arguments in support of their "Sabotage" conspiring against me; their blocking my winning argument; the neglect of the Supreme of SC and the Discipline Council's decision to let these, their colleagues go free ~~also~~

although guilty as sin of an egregious crime, a felony →  
 is the prior conspiracy conferences where this judge decided Mals case then scheduled a 2a hearing that was a fraud, S.G.A.M. where he barred Carolyn from "Due Process" a fed. crime

Statement of Issues On Appeal  
Issues Continued

3<sup>rd</sup>  
B

Needs 3<sup>rd</sup>  
Pg 3<sup>rd</sup>  
3<sup>rd</sup>

Issues

7 (j) Those, 'Conferences', were the Conspiracy meetings of this judge, or-  
x chestrated with Intent, a felony crime (k) They executed the  
"Intent," by appearing at the hearing, this judge scheduled for  
my argument, Sept. 21, 2022 after he, "Threw a wrench," as it  
were into the now, "S.C.A.M.", "fraudulent," "Ghost hearing"  
§ as to my argument: (L) He opened the hearing with "Sum-  
mary judgment," without recognizing my atty nor  
me to counter the meritless "G" "T" Lawsuit. Here  
this judge ended the S.C.A.M. hearing, refu-  
sing to follow the "Standard of Review", herein.

8 (m) He succeeded in barring my scheduled  
10 argument, (N) He "Replaced" my "argument,"  
with the conspired, "Draft", "Concocted,"  
by himself, M. Scarborough and his co-  
conspirators, William Kalivas, Ashley An-  
drews and Charles Tolbert and Atty, M. Dinwoadie.

11 (O) This partial, zealous judge herein ti-  
ed my atty's' hands. She was no longer at  
liberty to Appeal my case on my behalf. She  
had enjoined them as she consented to, "Sabo-  
tage," the S.C.A.M., Ghost hearing that was  
to happen for me, Carolyn but was scrapped  
by judge M. Scarborough. As to said beha-  
vior this judge is guilty of, "Prosecutorial-  
mis-conduct," a "Mis-Carriage of Justice," Ob-  
struction of Justice, A Travesty of Justice and  
of, "Improviently" granting Order Summary

3<sup>rd</sup>

#C302  
cont

Conts #11-0

Issues  
Statement of Issues On Appeal

3C2  
pg 4

Summary Judgment barring me deliberately from counterclaiming the false claim of "Buret Title Lis Pendens" knowing, yes, he knew that Carolyn would prevail. That man garbed in a black robe the suggests honestly dishonored the robe. In so doing, he is and made him a serious issue in the unnecessary saga of what occasioned the prior case and my now present case 2025000893 resulting from Judge Popers have denied me the lawful trial by jury (jury trial) to have returned to me my lawfully owned property at 338 Fifth Ave + 5<sup>th</sup> St. in Mt. Pleasant, SC 29464 where I've been a legal resident exclusive of the decedent, my darling grand-mother for 20 plus years. Moreover my brothers and I, Ave are the only grand children who cared enough to leave our FL residences to leave and devote time to both our grandparents between 1995 and 2003 when grand-Ma'-D'Ann Ma died. Said resident

Issue

is a legacy to our worth grandparents, Fred + Helen Tolber. Issue - It must not be for sale. No Respondent has right(s) herein.  
3A02

## Issues cont

3A

- (m) This matter is <sup>Compelling</sup> liable as to my Appeal of the judgment of judge C. Chybun Popeje Dinwoodie's failure <sup>fiduciarily</sup> fiduciarily.
- (7) Judge M. Kell Scarborough's "Improvvidently" granting of "Order Summary judgment" with "nothing to summarize!"
- (8) Documents of this judge Scarborough's scheduling a hearing to hear precisely the attorney in the "prior case's" Counterclaim to "Quiet Title", the fraudulent case of no merit, having already been pronounced "Dead-In-The Water" by the SC Appeals Ct. of Appeals in and about 2003-2005 in Fender V. Heirs of Smashum,
- (9) The "Standard of Review" in Fender V. Heirs of Smashum, "omitted" to show that judge Scarborough had to have deliberately <sup>origin</sup> compromised, "TRUTH," saying he observed and adhered to said "Standard of Review." He decided for the opposers ~~sure~~ that I was to lose.
- (10) As the other SC Circuit Ct. received their judgment Reversed and Justia Remanded back to their Ct, utilizing said, "Standard of Review omitted I'll show that in the prior case wherein Atty M. Dinwoodie was not heard as to her argument Pro, "Title To Adverse Possession, I and Carolyn and one other eligible owner would have, as I will prove, that I satisfied then and now, as did Carolyn, blocked, "Improvvidently," by judge M. Scarborough and his Co-Conspirators, all "six (6)" elements required to claim "I satisfy" "Title To Adverse Possession." This facts and all the facts in the prior case made Carolyn the partic/person who prevailed on the prior case thereby protecting my interest as to my existing ownership of the property abandoned for eighteen plus years in 2021 at the filing of "Quiet Title," defeated "TD's Tax Reports" by the "Deed of Dist"
- (11) Any and all Ct matters i.e. Circuit Ct.; Court of Appeals, SC; The SC Supreme

Issues

7 (j) Those, 'Conferences', were the Conspiracy meetings, this judge, orchestrated with Intent, a felony crime. (k) They executed the "Intent," by appearing at the hearing this judge scheduled for my argument, Sept. 21, 2022 after he, "Threw a wrench," as it were into the now, "S.G.A.M.," "fraudulent," "Ghost hearing" as to my argument. (L) He opened the hearing with, "Summary judgment," without recognizing my atty nor me to counter the meritless "Q" "T" Lawsuit. Here this judge ended the S.G.A.M. hearing, refusing to follow the, "Standard of Review," herein.

8 (m) He succeeded in barring my scheduled argument. (N) He "Replaced" my "argument," with the conspired, "Drafts," "Concocted," by himself, M. Scarborough and his co-conspirators, William Kalivas, Ashley Andrews and Charles Tolbert and Atty. M. Dinwiddie.

9 (O) This partial, zealous judge herein tied my atty's hands. She was no longer at liberty to Appeal my case on my behalf. She had enjoined them as she consented to, "Sabotage," the S.G.A.M., Ghost hearing that was to happen for me, Carolyn but was scrapped by judge M. Scarborough. As to said behavior this judge is guilty of, "Prosecutorial-Mis-Conduct," a "Mis-Carriage of Justice," Obstruction of Justice, A Travesty of Justice and of, "Improvvidently" granting Order Summary

Copy 4 more

4c  
Cont 3  
Conts #11-0

# Issues

page  
302

Summary Judgment barring me deliberately from counterclaiming the false claim of "Quiet Title Litigation" knowing, yes, I knew that Carolyn would prevail. That man garbed in a black robe the suggests honestly dishonored the robe. In so doing, he is and made him a serious issue in the unnecessary saga of what occasioned the prior case and my now present case 2025000893 resulting from Judge Popers have denied me the lawful trial by jury (jury trial) to have returned to me my lawfully owned property at 338 Fifth Ave & 5<sup>th</sup> St. in Mt Pleasant, SC 29464 where I have been a legal resident exclusive of the decedent, my darling grand<sup>2</sup> mother for 20 plus years. Moreover my brothers and F, Ave are the only grand children who cared enough to leave our FL residences to leave and devote time to both our grandparents between 1995 and 2003 when grand<sup>2</sup> Ma<sup>2</sup>-D<sup>2</sup> Ann Ma died. Said resident

Issue

is a legacy to our worth grandpa-  
rents, Fred & Helen Tolber. Issue - It  
must not be for sale. No Respondent has right(s)  
herein.

Issues Continued  
Not heirs property - 5 An Issue Heirs?

6. The case is also about the subject property not being heirs' property abandoned by heirs evinced that the intention disseized by all heirs was that Carolyn, Warry and Aré and <sup>the W. Rogers Smith</sup> family intended to live on said property indefinitely. See fact par in "Justice"

7. Carolyn offered cotenants/heirs fifty-thousand dollars each to agree to her adverse possession. Without further negotiation they agreed to Keith and

\* Charles' hostile filing of the meritorious lawsuit defeated by the existing perfect, "Deed of Distribution" that cause them attempts to execute other "Deeds of Dist." If stymied Keith & Charles, they returned to reality and returned to initial sound, comprehensive "Deed of Dist."

\* So issues are @ the false, frivolous lawsuit, "Quiet Title," which they still pursue due to the sinister obstructions of justice by Judge M. Scarborough and subsequent judiciary that, "Rubber Stamp," their colleagues "Prosecutorial Misconduct." May others see and admit what is totally unjust in this matter which compels me to fight against the injustices that are egregious in this whole matter. It would be a travesty and mis-carriage of justice not to grant me jury trial to take back my property

gifted to Charles Tolbert Improvidently by the judge. I, heir of Helen Tolbert is the only heir eligible to continue to hold my property herein adverse to former cotenants who a-

# Issues cont

(Cont) <sup>13</sup> Court Atty. Dinwoodie's apparent lack of fervent fiduciary relation with me as to demanding interrogatories from Clients of opposing counsel which had the judge on their side. One letter to her then another begging her to act on my behalf.

(14) Mother, the decedent's Last Will And Testament discarded by the respondents tossed away as they abandoned me and my offer to buy their interest which no longer existed after they abandoned the property to which they contributed nothing. "you work not, you eat not." Judge M. Scarborough apparently knows not these things at all.

(13) The conspirators' tampering with the Deed of Distribution taking portions of the Primary owners and gifting it to Charles Tolbert, calling him primary owner (14. Allowing Charles Tolbert an attempt to make a payment on my property on which I made the payments. He made none! The refunded him is money. (15. Keith had no authority with a form granted to him to use with "Heading" The Representative (Personal) to the Estate of Helen Tolbert relinquished her position - Keith was passed off as Carolyn's Co Personal Rep to the Estate of Mrs. H. M. Tolbert. Both statements lies, gross lies

(16) Judge Scarborough deceived the Dist' Ct. for The Dist' of SC by pretending a deliberate lie, saying that I <sup>Carolyn</sup> could not prevail herein because I had <sup>not</sup> lived exclusively there for twenty yrs. He knows fully that <sup>Carolyn's</sup> case was based on the 10 yr. rule.

(17) The judge, "Recused" himself after I, <sup>Carolyn</sup> appeared at an Oct. 30<sup>th</sup> 2024 hearing he omitted to alert <sup>Carolyn</sup> and made <sup>no</sup> effort to have or allow <sup>Carolyn's</sup> participation I began to participate; he jumped up, said he

# Statement of Issues on Appeal

## Issues cont'

4A2

(12) <sup>Cont'd</sup> <sup>Att'y</sup> Dinwoodie's apparent lack of fervent fiduciary relation with me as to demanding interrogatories from Clerk of opposing counsel which had the judge on their side. One letter to her then another begging her to act on my behalf, ignored.

(13) <sup>Max</sup> Mother, the decedent's Last Will And Testament discarded by the respondents tossed away as they abandoned me and my offer to buy their interest which no longer existed after they abandoned the property to which they contributed nothing. "you work not, you eat not." Judge M. Scarborough apparently knows not these things at all.

(13) the conspirators' tamperings with the "Deed of Distribution" taking portions of the Primary owners and gifting it to Charles Tolbert, calling him primary owner (14) Allowing Charles Tolbert an attempt to make a payment on my property on which I made the payments. He made none! They refunded him <sup>his money</sup> <sup>is no</sup> money. (15) Keith had no authority with a form granted to him to use with, "Heading The Representative (Personal) to the Estate of Helen Tolbert relinquished her position. Keith was passed off as Carolyn's Co Personal Rep' to the Estate of Mrs. H. M. Tolbert. Both statements lies, gross lies!

(16) Judge Scarborough deceived the Dist' Ct. for The Dist' of SC by pretending a deliberate lie, saying that <sup>Carolyn</sup> <sup>could not</sup> prevail herein because <sup>not</sup> <sup>had</sup> lived exclusively there for <sup>20</sup> twenty yrs. He knew fully that <sup>Carolyn's</sup> <sup>case was</sup> based on the 10 yr. rule not the twenty yrs.

(17) The judge, "Recused" himself after <sup>Carolyn</sup> <sup>appeared</sup> at an, Oct. 30<sup>th</sup> 2024 hearing he omitted to Alert <sup>lyn to</sup> her of and made no effort to hear or, allow her participational <sup>she</sup> begin to participate; he jumped off said he

Doc

Issues

pg 9 contd

262

Cont'

9. yes Ma' 88 yrs of age needs to stay put in her present home,

start → Mt Pell Scarborough has (did). Improvidently granted, a

gift to a claimant, - Respondent <sup>and</sup> changed relative. All Respondents herein abandoned the subject property, became hostile upon knowledge that Carolyn T. Smith, the only sibling of family <sup>(4)</sup> living ones was the only one to pull up roots from her job as dept head of the Foreign Dept of an outstanding private school in Coral Gables, Miami Dade County, FL to become primary caregiver for both the decedent and her father in 1995 while working full time, and using paid help to assist her until she had to interrupt two of her children's <sup>(College)</sup> education to join her in the care of their grand-parents. It was a telling sacrifice which they made unhesitatingly and most lovingly. They arrived in 1998.

I, Avel and one of my brothers lived on at the residence to present. We still maintain the property. With the

10. earned well earned granting of the physical Title to our home here at 338 Fifth Ave. + 6<sup>th</sup> St., in Mt. Pleasant, SC 29464, a dwelling on one part of the double lot and a structure and parts to daddy's gazebo destroyed by hurricane, on the other part a play ground for the grands that have and still live here. Our sixteen dogs once enjoyed the yard,

cont. → judge Scarborough shut me down again robbing me of "Due Process" jumped up, said he was turning the case back over to the circuit ct.; recused himself and left the court

\* (18) Judge Rode's hearing - Heirs property \*

ISSUE - Heirs "Kicked out" when the Law Suit without merit was filed causing obstructions of justice Prosecutorial misconduct and ultimately Judge M. Scarborough's gifting of Appellants' property a double lot at 338 Fifth Ave and 016<sup>th</sup> St. to Charles Tolbert. I attended the judge Rode's hearing

(19) All Ct. filings 2021-2025

(20) All objections to Motions denied in CASE NO. 2025 and as compelled to be revealed as to Connection per the injustice(s) stemming from the prior case cited and impacting case NO. 2025 000 893 is the present case

(21) Typical Court error in the Courts' attempt to spear or avoid having judge T. Rode's Order judgment be focused on the "One" motion" before him to end, "Dismiss with Prejudice" (CASE 2021) 10 04058. Their "error" impacts my case NO. 2025 000 893 adversely.

(22) Sheet 46 1 + 2 is the next sheet + # 22

# Statement of Issues On Appeal

second 4/6/22

he, Judge Scarborough shut me down again robbing me of "Due Process" cont... jumped up, said he was turning the case back over to the circuit ct.; recused himself and left the court

\* (18) Judge Rode's hearing - Heirs property \*

ISSUE - Heirs "kicked out" when the Law Suit without merit was filed causing obstructions of justice Prosecutorial mis-Conduct and ultimately Judge M. Scarborough's gifting of Appellants' property a double lot at 33 & Fifth Ave and 0'6" St. to Charles Tolbert. I attended the judge Rode's hearing

(19) All Ct. filings 2021-2025

(20) All objections to Motions denied in CASE NO. 2025 and as compelled to be revealed as to Connection per the injustice(s) stemming from the prior case cited and impacting case NO. 2025 000 893 is the present case

(21) Typical Court error in the courts' attempt to spear or avoid having judge T. Rode's order judgment be focused on the "one" motion before him to end, "Dismiss with Prejudice" (Case 2021 cp 10 04050). Their "error" impacts "my case" NO. 2025 000 893 adversely.

(22) Issue - Heirs if deferted; switched themselves out of the status of heirs. Further by their own decision to abandon the subject property; assert non-possession; file the "Quiet Title" law suit for selfish impossible gain; disavow that Carolyn and family's claim was that of legal ownership of said property. See Justice - Fender v The Heirs at Law Smashum. Quiet Title lost 4/6/22

Copy