



The South Carolina Court of Appeals

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December 23, 2025

Received
12/31/2025

Ave Smith
338 5th Ave & 6th
Mount Pleasant SC 29464

Re: Ave Smith v. Heirs of Helen Tolbert
Appellate Case No. 2025-000893

RECEIVED
JAN 15 2026
SC Court of Appeals

Dear Ms. Smith:

Upon reviewing your initial brief of appellant and designation of matter, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

Jasmine J. Smith, Deputy

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5

Form 1

Notice of Appeal In A Civil Matter CASE
The State of South Carolina
In The Court of Appeals

Appeal From Charleston County
Court of Common Pleas
Courtney Clyburn Pope, Circuit Court
Judge

CASE NO. 2025 000893

William Kalivas Ashley Andrews, Judge M. Scarborough
Representative Heirs/Cotenants, also M. Dinwoodie,
of The Estate of Helen G. Tolbert Judge C.C. Pope
Betty Jean T. Jones, Sara Jo T. Latten,
Keith Tolbert, Charles Tolbert Respondent,

v.

Ave Smith

Appellant

Notice of Appeal Amendment
Ave Smith,

Initial Brief
Ave Smith

338 Fifth Ave. + 2nd St

Mt. Pleasant, SC 29464

1-843-216-6960

Pro Se

0
complete

Appellant Ave Smith
CASE No. 2025 000 893

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- 5 Preliminary statement of References ✓
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- 8 Summary of Argument
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- 10 Conclusion
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- 12 Final Brief

add to the " Brief of Appellant, Ave Smith
+ Initial Brief Form 7
follows

Table of Authorities And Citations

1. The South Carolina Court of Appeals - Justia - Fender Vs. Heirs At Law Smashum - Reversed And Remanded to a SC Circuit Ct, "Quiet Title," Defeated by the "Deed of Distribution," and by the judges, "Neglect," to be governed by the "Standard of Review"
2. The Document, "Why Do I Need A Quiet Title Lawsuit?" There was never a need for said lawsuit, "Dead In The Water!" in CASE NO. 2021 CP 10 0458
3. Justia - The six (6) elements to be satisfied to claim, "Title To Adverse Possession," satisfied by me, Carolyn Tolbert Smith - See pages _____ in Justia
4. Fleming v Rose, 350 SC 488, 493, 567 S.E. 2d 857, 860 (2002) = Per mis-use of Summons Judgment
5. Faile v. SC Dept of Juvenile Justice, 350 SC 315, 324 566 S.E. 2d 536, 540 (2002) Per, "if triable issues exist those issues must be submitted to the jury (I was barred)."
 6. Young v. SC Dept of Correction
7. Hall v. Fedor 349 S.C. 169, 173-74, 561 S.E. 2d 654, 656 (Ct. App. 2002). Re: Summary Judgment (Judge Mr. Scarborough obstructed Justice by starting with Summary Judgment and refusing to hear my counterclaim of "Title To Adverse Possession.") "He blocked my argument by shutting down the hearing after hearing only one side, leaving my "genuine issues as to material fact," arguments, "Never," presented. He * took it upon himself to take my place and claim the "lie" that I had *
 * No, "genuine issues as to material fact" - *
 (26)

copy
1.

Table Of Authorities And Citations CASE NO.

Appellate, Are Smith

- Fleming v. Rose, 350 S.C. 488, 498, 567 S.E. 2d 857, 860 (2002). = Per mis-use of Summary Judgment
- Faile v. SC Dept. of Juvenile Justice, 350 S.C. 315, 324, 566 S.E. 2d 536, 540 (2002) Per if triable issues exist, those issues must be submitted to the jury (denied me, Appellant, Are Smith by the Circuit Ct. (re: my hearing before Judge Popel))
- Young v. S.C. Dept. of Corrections, 333 S.C. 714, 718, 511 S.E. 2d 413 (Ct. App. 1999). Hall
- V. Fedor, 349 S.C. 169, 173-74, 561 S.E. 2d 654, 656 (Ct. App. 2002). Re: Summary Judgment - Even where no dispute as to evidentiary facts exists, but only as to the exclusions or inferences to be drawn from them.

• Lanham v. Blue Cross & Blue Shield of S.C., 349 S.C. 356, 363, 563 S.E. 2d 331, 334 (2002). Per 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. In the prior case, the Backdrop

to CASE 2025000893 it is a sad "Pity," the Judge Scarborough avoided Viewing and following this standard! Moot the claim of Quiet Title Lis Pendens be set aside overturned

copy B ↓
Cont 1 (2)

See Reverse
for →
Statement of
Issues as
Appeal

Table of Authorities And Citations Continued -

Grant v. Grant, 288 S.C. 86, 340 S.E. 2d 791 (Ct. App. 1986 Per Ouster "Actual Turning Out" Per All Respondent except Carolyn never had a key to subject property; never lived at the resident; contributed anything to the property. They lost possession of their family's formerly designated private rooms given by the Smith family to our extended families. Former Co-owners, heirs evinced and dis-sieged by vigilance and diligence evinced that I, Appellant had exclusive possession after ten (10) yrs part of 18 yrs and now after twenty (20) yrs. 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 act described above in "Ouster" in this case suppressed in the prior case, Backdrop for the present case, mine 2025 000 893 Per, "Ouster" unequivocal in nature and Motive of Attorney Kalivas + Andrews aided and supported by the Chas. Cor, SC Master-In-Equity This very false lawsuit "Quiet Title" against me and my family Proves distinct hostility on the part of Respondents

Ref'

3) cont'

Table Of Authorities And Citations

- 1) Ouster unmistakable, Felder, 278 ^{S.C.} at 330,
- 2) 295, S.E. 2d at 642. In rare extreme cases ouster ~~of~~ by one co-tenant of other co-tenants will be implied from exclusive possession and dealings with the property such as collection of rents, improvement of the property. *Id.*, 278 S.C. at 331, 295 S.E. 2d at 642. Our Improvement, (new HVAC-system, new roof, ground build up, exterior painting of the dwelling, upkeep of yard, lawn and garden regularly, taxes pd to preserve our ownership) *id.* for all who asserted his co-ownership. None did! Only my brother, mother and I.
- 3) Ouster is presumed from possession only, if it is continued for a period of twenty yrs. - Title by 10 yrs. (ten) Adverse Possession by a co-tenant against another may be acquired only after actual Ouster of which the latter has notice (latter references the co-tenant ousted) or should have in the exercise of a reasonable diligence and vigilance. *Walson v. Little*, 224 S.C. 359, 364, 79 S.E. 2d 384, 387 (1958).

See please the list of improvements

Please see evidence of Justice vs. Felder vs. Smackum.

6.3b

8. "Standard of Review," says even if there no dispute as to evidentiary facts exist but only as to the exclusions or inferences to be drawn from them, Summary judgment a drastic remedy should be used "precautiously to insure no person is deprived of a trial of disputed factual issues - Lanham v. Blue Cross Blue Shield of SC, 349 S.C. 356, 363, 563, S.E. 2d 331, 334 (2002),

9. Grant v. Grant, 288 S.C. 82, 340, S.E. 2d 791 (Ct. App. 1982) Per "Duster," clearly accomplished by me, Carolyn but never heard suppressed by Judge M. Scarborough

10. Woods v. Bivens, 292 S.C. 76, 354, S.E. 2d 909 (1987),

11. Brorard v. Fortune, 221 S.C. 117, 69, S.E. 2d 353; (1952), "Duster," in my, Carolyn's case unequivocal!

12. Felder, 278 S.C. at 330, 295, S.E. 2d at 642,

Watson v. Little, 224 S.C. 359, 364, 79 S.E. 2d 384, 387 (1958) Lusk v. Callahan, 287 S.C. 459, 460, 339, S.E. 2d 156, 157, (Ct. App. (1986)).

* Freeman v. Freeman 323 S.C. 95, 99-100, 473 S.E. 2d 467 (Ct. App 1996) "Duster is presumed from possession only if it is continued for a period of twenty yrs (Never, ever the case) the CASE No. 2021 CP 1004058 was always and only for ten yrs. (Judge Scarborough deceived the SC District Ct. For the District of SC, documenting that it did not prevail, I, Carolyn, because I had not resided at the resident exclusively for 20 yrs.) Clearly another Casual Compromise of the "Truth," by opposing judiciary. Nevertheless Freeman follows up

14. "Title," by ten yrs may be acquired only after actual →

3C

cont Table of Authorities

3C

14. Ouster of which the latter has notice or should have in the exercise of a reasonable diligence.

Watson v. Little, 224 S.C. 359, 364, 79 S.E.2d 384, 387 (1953).

The Case law cited herein ~~are~~ relied on to prevail in the Subject "Motion" To Dismiss said case with Prejudice and for this, "Mis-earriage of Justice," all the "Obstruction of justice," "The Prosecutorial-Mis Conduct," attached to the conspiracy with the result executed in Sabotage of judge Scarborough's Scheduled hearing to hear and to have heard my argument for my entitlement to have been granted at that hearing where said judge omitted hearing my side of issue. He ignored the "Standard of Review

(4) Personal portion of...

Cont'

Table of Authorities And Citations

Cont'

4

4) ~~Re~~ Claiming, "title" to land by "adverse possession" has the ~~burden~~ burden of proving adverse possession by clear and convincing evidence. *Lusk v. Callahan*, 287 S.C. 459, 460, 339 S.E. 2d 156, 157 (Ct. App. 1986). - This is accomplished by Ave Smith, Appellant more than once e.g. 2003-20 at the false filing of Keith L. Tolbert ie, "Quiet Title Lis Pendens and by the ten (10) yr. "Title To Adverse Possession 2003- and secondly now in my case by twenty (20) yrs

Please see attachment regarding all six elements I've satisfied

merit one

- of exclusive possession and legal right
- to prevail as an extremely rare case, having re-

Sided & held Subject property as my residence exclusively of and adverse to the right of possession of all other co-tenants who did not assent ownership in the subject property and cannot satisfy the six (6) elements required along with "Exclusive Possession". Only I, Appellant qualify as do the Corporal W. Leroy Smith family as to this present case NO. 2025 000 893

merit one

"Quiet Title" Reversed And Remanded, [6]
 I, Ave Smith Cite pg. Seven (7) of *Justin-Fender v. Heirs of Smashum*
 4.

01/05/2024

To: Judiciary, legal personnel and off the record in the South Carolina Court of Appeals

From: Carolyn Tolbert Smith

Re: Two separate cases that is and they are case

no. 2025 000893, Ave's Case now in the S.C. Court of Appeals and case no. 2021 CP 10 04058, Carolyn T. Smith's Case

Best understood that opposing counsel, William Kalivas, Esquire, Andrew Asbley, Esquire and other respondents insist

and would have justices believe that the two, separate cases are one and the same. Obviously the cases are ^{not} and reflect two different matters. The Case No. 2021, embroiled in "conspiracy," "sabotage," "obstruction of justice," "Prosecutorial mis-conduct" and more. the judge, "impro-

vidently granted, "Order Summary Judgment, gifting my ^{family's} property to an estranged grand/nephew/cousin and related respondents. Hence Ave is competent

to refer to proceedings (all), hearings everything in the prior, 2021 case (false case) that impacts adversely her 2025 000893 case as she battles to retrieve her property donated to the most unworthy, Charles Tolbert. I, Carolyn's case, not like Ave's case is not for jury trial. Ave's is. I

have a different appeal as to my case,

Respectfully,

Mme. CTS
Carolyn Tolbert Smith

Complete
Copy
1. Nicks
302

1a

Statement of Issues On Appeal

Judge C.C. Pope's denying me jury trial so warranted

- 1) The, Improvidently, granting of my property at 338 Fifth Ave. + O'6th St. in Mt. Pleasant, SC 29464 and Judge C. Chyburn'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) ^{to} 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 ^{with STJ} 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 sabotage

1a

Sabotage

4^b I take the S.G.A.M., Fraudulent, ghost hearing where-
by the judge would and did sit before Defen-
dants and Plaintiff; started upside down, hear-
ing, only, Summary judgment argued by the
judges favored lawyers. He ignored the
opposer ~~the~~ opposed to the unlawful treat-
ment this judge afforded Carolyn, the oppo-
ser ^{whom} this judge did not want to prevail. So he pro-
ceeded to shut down the hearing, leaving one party,
Carolyn, and her family dangling, bewildered, distraught

5^a Carolyn takes issue with ~~my~~ ^{her} attorneys hav-
ing tossed, kicked aside her fiduciary rela-
tion with me without allowing ~~her~~ input (into)
her "throwing me under the bus" as it were and
after ~~me~~ had paid her upwards of \$16,000.00.

I take issue (w) her refusing to appeal the ^mIm-
providently, 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.

6. I take issue with the judge and his co-con-
spirators 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 →

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.G.A.M.," "fraudulent," "Ghost hearing"
 8 as to my argument. (L) He opened the hearing with "Sum-
 mary judgment," without recognizing my atty nor
 me to counter the meritless "G" "J" Lawsuit. Here
 this judge ended the S.G.A.M. hearing, refu-
 sing to follow the "Standard of Review," herein.

9 (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. Dinwoode.

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, "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 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

4C

Cont

Conts # 11-0

Issues

pg 302
4C

Summary Judgment barring me deliberately from counterclaiming the false claim of "Quiet Title Lit Pendency" 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 & 5th St. in Mt Pleasant, SC 29464 where I've been a legal resident exclusive of the decedent, my darling grand² 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 grand² Ma' - D'Ann Ma died. Said resident is a legacy to our worth grandpa rents, Fred + Helen Tolber. Issue - It must not be for sale. No Respondent has right(s) herein

4C

Statement of Issues On Appeal

6. My property, Judge Scarborough, jeopardized my legal ownership by first pursuing the frivolous Law suit, "Quiet title Lis Pendens". I cite a document, "Why Do I Need to a Quiet Title Law Suit."

One reviews the possible need for such a suit, The subject property does not qualify therein,

7. Further the SC Court of Appeals in and about 2003-2005 reviewed a similar case written in

Justia - Fender V Heirs of Smashum. Fender filed for Quiet Title and prevailed in a SC Circuit Court but lost in the SC Court of Appeals when Smashum provided a "Deed of Dist" and heirs claimed a percentage ea. of the property

8. Neither was Fender able to satisfy the six crucial elements necessary to claim "Title To Adverse Possession"

9. I witnessed Carolyn swindled out of my property even having satisfied the 6 elements required to claim, "Title To Adverse Possess."

10. I lived exclusively on said property 18 yrs and held subject property Adverse to the rights of possession and/or profit by any other based on the ten yrs. and NOT the twenty 20yr rule. Keith filed said frivolous, needless, false lawsuit in 2021. I began me exclusive control

living and residency in 2003. Now it's been 20 plus yrs. (10). This judge covered his Travesty of Justice by Writing the SC Dist Ct. that Carolyn lost a claim for 20 yrs. Ludicrous! My atty did no such thing. This judge recused him self after conspiring (w) the opposing counsel to sabotage the hearing where Note: They enjoined, stole Carolyn's Atty's Left her Pro Se

X where he scheduled Carolyn's Counterclaim to "Quiet Title"

pg 2
Item #4A
X

(11) when he conspired with William Kahiras, Esquire, Andrews, Ashley, Esquire, my former atty, Melena Din-woodie and others whom he had to sign their consent to just keep him on the case for the duration, they sat behind closed doors and drafted some plan behind my back never making Carolyn privy of said plan.

12. This judge, judge Scarborough held the schedule hearing Sept 21, 2022. Some of my children traveled 640 miles to Mt. Pleasant and Chas. to witness said hearing. Ma, my brother and I attended. But the unprecedented happened

That judge had his chosen be seated in front of himself, began not hearing Carolyn's atty, started with summary judgment with nothing to summarize he immediately ended the hearing never allowing for "Due Process" he shut the Bogus, SCAM hearing down, scrapping the "Standard of Review" Nov. 2022. her audaciously gifted to Charles Leon M^e William, III on behalf of Kate Tubert and all Respondents my property to them and all judiciary the judge et al. to sell having contributed nothing

14. After creating the repugnant, felonious egregious obstructions of justice, the scream, "yes, Carolyn, are holding us up!" Everything has gone awry only so far, not for them yet (15) Charles was allowed to attempt to bump my normal tax pymts and file. They tampered with the deed of trust, giving Charles the non-give a greater % than Carolyn, the primary owner

Statement of Issues cont'd on Appeal

3A

- (in) This matter is ^{compelling} liable as to my Appeal of the judgment of judge C. Chybun Pope i.e. Dinwoodie's failure ^{fiduciarily} to
- (7) judge M. Kell Scarborough's "Imprudently" 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 or 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 ^{again} 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, "Imprudently," 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 party/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 ^{to} Tax Reports by the "Deed of Dist"
 - (11) Any and all Ct matters i.e. Circuit Ct., Court of Appeals, SC, The SC Supreme

3 C³ pag 9.

Issues continued. Not heirs property - 5 An Issue Heirs? 3 C³ pag 9

6. The case is also about the subject property not being heirs property abandoned by heirs intended that the intention disseized by all heirs was that Carolyn, Warry and Ave' and ^{the Ws Family Smith} family intended to live on said property indefinitely, See fact per' in 'Justia'

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 Distri-

8 bution that cause them attempts to execute other "Deeds of Dist." It stymied Keith & Charles. they returned to reality and returned to the initial sound, comprehensive "Deed of Dist."

9. * So issues are @ The false, frivolous lawsuit, "Quiet Title," which they still pursue due to the sinister abstractions 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. I, Ave' must be granted jury trial to, "Right," an egregious wrong ie judge Scarborough's

Improvvidently ordered "Summary" judgment for an estranged nephew who abandoned the property and the decedents. The only grand eligible to own subject property is I, Ave'. I held this property 5 Ad-

Verily 20 plus yrs.

cont' Statement of ISSUES ^{on Appeal} pg 9 cont'

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9. ^{starts} yes Ma' 88 yrs of age needs to stay put in her present home, Mi Kell Scarborough has (did). Improvidently granted, a gift to a claimant, - Respondent, ~~and~~ changed relative. All Respondents herein abandoned the subject property, became hostile upon knowledge that Carolyn T. Smith, the only sibling of four ⁽⁴⁾ 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 ^{College} 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 998. I, AUC 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. + ⁰¹ 6th 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 ^{is} a play ground for the grands that have and still live here. Our sixteen dogs once enjoyed the yard, Please see 10.9 above

4b
mine

Statement of Issues on Appeal

4b

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. j. recused himself and left the case

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

ISSUE - Heirs "Kicked out" when the Law Suit without merit was filed causing obstruction of justice Prosecutorial misconduct and ultimately Judge M. Scarborough's gifting of Appellants' property a double lot at 338 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 ie 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 04058". Their "error" impacts my case "NO. 2025 000 893 adversely."

(22) = below as 4b-1+2

Statement of Issues On Appeal

hes → 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 obstruction of justice Prosecutorial misconduct 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 parent 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 forfeited; 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; deny that Carolyn and family's claim was that of legal ownership of said property. See Justia - "Fender v The Heirs at Law Smashum."

Copy

Quiet Title lost 4/6 1+2

Designation Of The Matter

Documents And Court Materials And Citations that Appellant shall use to support that said facts prove that said claim to all that entitlement to, "Title To Adverse Possession," is the Appellant's herein. Herein find two cases that are separate though the latter Compellingly hinges Improvident facts.

① Justia - In Fender V. Herrs At Law Smashums wherein The SC Court of Appeals, "Reversed And Remanded," back to The SC Circuit Ct. 2003-04, 05 due Improvident Order Judgment

* ② Justia The focus on this judge like the one in the Fender V. Smashum Case ignored the "Standard of Review as," genuine issues as to material fact Judge M. Scarborough scheduled a hearing to hear an atty's Counter Claim "Quiet Title," a meritless Case. He heard only one side at the fraudulent hearing. ② The late arrival Transcript per Judge Pope,

* ③ Sheets of docs' that reveal the illegal handing of said "ghost" hearing. Documents proving Judge Scar's hearing 9/2022

④ Exhibit of "Improvidently," granting of my property in by Order judgment to an estranged relative with no standing by "Abandonment" + ~~none~~ "assertion" as to ownership.

⑤ Portions of Justia which focuses on "Abandonment," and "none assertion," of interest or ownership as a co-tenant. ⑤ The substitute "Draft" by Conspiracy, "Intent,"

⑥ Justia + pages that define those is all heirs/cotenants that by vigilance and diligence knew and should have known that I held the subject property, "Averse To Possession of all other
I.B. (right to)

Heirs/Cotenants and to any ^{Right} profits hence no sale of subject property that is a "Legacy" to our most worthy parents)

Fred W. Tolbert, Creative (builder), builder in the Ches, SC area, lived 104 yrs cited by Pres Clinton. He was an outstanding musician and recipient of an Award for producing the "Best Youth Choir" City (wise from the Historic Morris St. Baptist Church) (Mrs. H. G. Tolbert was award "Guidance Counselor of the year For The State of SC, the recipient of more than twenty plaques for outstanding performance in Capacities. I, Appellant have a vested interest herein.

7. Exhibit, Doc - "Why would I need A "Quit Title, Law Suit"

8 "Deed of Distribution" Tampering ^{by} Opposers Struggle to give merit to their "meritless" Case "Quit Title", "Defeated by the sound Comprehensive, Strong initial Deed ie Five (5) Children 209 each 80 Heirs herein hostilely ignored my offer to buy their interest 2021.

9. "The Last Will And Testament" of Mrs. H.G. Tolbert which other "Heirs", kicked to the curb having no vested interest herein

10. The non-Contributing Respondents' judge and lawyers agreed * to, "Sabotage" the hearing by enjoining with judge Scarborough

Exhibit 11 Signed Consent to keep judge Scarborough on the case for the duration 10. Heirs substituted my offer, "Quit Title"

11. I Shall Exhibit Docs' of So called Conferences

* held July and Aug. (2020) 2022 and scheduled @ "dumb" hearing though said judge and his Co-Conspirators had, * "drafted", a "Substitute", claim behind ^{MA's} base BS. they scrapped/dropped MA's "Counterclaims", ^{then Plaintiff's} 9/21/22 hiding the "substituted" → J-B claim resulting in the SCAMoned

(1) Appellant will prove that I satisfy all six elements required to claim, Title To Adverse Possession. Justia makes this clear. I, Appellant easily prove by case law after case law upon case law the validity of my claim for the title I claim.

Exhibit (B) Interrogatories of other heirs/cotenants show no contribution from any of them. The "Bible" says, "you don't work, you don't eat." That is the case herein by God. This for abandonment.

14. The six elements mentioned above, supporting my claim herein are: Please give great consideration herein. They Bashed the

Pay Justice (1) "Quiet" has been hostile proven by the "Quiet Title," "Will" merited Law Suit pursued lawlessly with grave "Motive's Causing Conspiracy with Intent (a felony) executed in the ghost hearing wherein the judge, judge Scarborough denied me, "Due Process!" Ashley Andrews admitted that they judgeing led to higher Ct's. We gave rooms formerly afforded Respondents we assigned to others with keys to the property. No Respondent, heir/cotenant ever had access

(2) "Actual" Appellant lived 18 yrs exclusively and before the worthless Quiet Title was filed. Now I, Appellant has lived here twenty plus yrs. So when SC Courts allowed judge Scarborough to deny me an owner the Constitutional Right to "Due Process," leaving her our family and ma's atty. saying nothing all of us dangling, this judge

* took what belonged to three owners, "Improviently" with

* All judiciary to set the "Quiet Title" false Law Suit "Aside"

Pay Justice (3) * Exhibit of the SC Supreme Ct, upholding judiciary whose deficiencies were numerous, that Ct. complained but allowed him time to correct.

* But this Spreme Ct rubber, stamping my "not telling of ma's intent" to

Appeal, the "Prosecutorial misconduct," "Mis Carriage of Justice," "Obstruction of Justice" and "Travesty of Justice" a PRO SE Charge^{ed}

- * Doc' of proof the opposing Counsel's 'deceit' in documenting
- * that my attorney's withdrawing, leaving me dangling, Pro Se, was a mutual event. Negative! they lied again.
- * Docs wherein they gave Keith the "filez" of "Quiet Title," gave him a form with the heading that the Court appointed Personal Representative relinquish^{ed} her position to Keith Tolbert estranged nephew/grand/cousin. He nor Charles Tolbert neither has eligibility herein.

Justin Pg 2

(4) Open-Third element my exclusive was open known by all Mail men and women. My mail arrived at my home daily hundreds of pieces neighbor saw me walk some of or 16 pets daily. We greeted each other. In at my church and for an insurance agency, and studied at the College and now at MUSC.

(5) A Notorious--I changed membership, visiting other churches - I shopped Harris Tetter, especially Public Groceries + Pharmacy. I also I took our 16 pets to vets and vet hospitals Mt Pleasant Chas. Co, SC (5b) Docs' from SC Supreme Ct + The District Ct for SC.

Justin Pg 2

(6) Exclusive - 2003 to present

(7) Hostile-They all abandoned parents, grand parents. I agreed to stay after D'An Ma' passed away. My eldest brother remained all/ea among the grands who answered the call to pull root and relocate at D'An Ma' and D'An Pa to assist with their loving fender care. We arrived in the late 90's - See

(B15) Justia - Fender v. Smashum + All Obstructions Re: Six elements: Please see pgs. 2, 26 by Judge Scarborough.

* (16) * Charles never produced info' about Charles Assets nor death.

Designation of The Matter

- * ① Justia - Fender V Heirs At Law Smartum
- * Justia also a "need of distribution" defeating "Quiet Title" total doc
- * ② All Documents Associated with Judge Mirrell's Conferences - July and Aug. 2022 and those pertaining to the alleged "counter claim" argument as well as the hearing where Judge reported that the argument ~~to~~ to the counter-claims argument took place though it did not! * All judgments + findings (faulty) that support the "Imprudently" actions
- * ③ Affidavits from family members ^{who} witnessed the Judge's having "Scrapped" hearing my Carolyn's "Counterclaim" to the meritless, "Quiet Title" fraudulent hearing this judge scheduled, after abusing his power by deciding my case behind closed doors. Transcript must show Ashley Adams' admissions
- * ④ The "Draft" of what the Judge and CO-Conspirators decided, to "Substitute" for my "prevailing" argument, "Title To Adverse Possession"
- ⑤ Ct. filings repeatedly because the subject case was not overturned by the District Ct. For the Dist of SC. Ct personnel ^{they} wrote that "could overturn" this case but "that they would not." They Dismissed without prejudice. I observe.
- ⑥ Documents from the SC Supreme Court, the SC Court of Appeals and from the District Ct For the Dist of SC
- ⑦ Letters to Atty. Melena Dinwoodie asking her to act on ^{my} behalf.

Carolyn

"Designation of The Matter"

6

(17) The "Transcripts" and comments written and many lies by opposing counsel refuted and challenged.

(18) Bloomberg's Report as to exception per AIA and A.W.A. exceptions, "One" of them which made me eligible the SC Dist Ct. For The Dist of SC, said Court denied me ie "Judge Scarborough denying me my constitution Right to; "Due Process,"

(19) Said Ct. For The Dist of SC wrote that they could Overturn CASE NO 2021cp1004058 but that they would not

(20) My motions ie Carolyn's Motion to Dismiss the Case her named should be so dismissed and Carolyn be granted her earned and due Title to Adverse Possession, because of her yrs. of persecution by Judge Scarborough. Subsequent judges and acting Courts could be guilty of "looking the other way," as to knowing, after thorough examination of actions and merit, integrity

01/10/2026

Esquie Andrews, Esquire
finally admitted that she lied
as to Carolyn's counterclaim
having taken place. She did
so before Judge Thomas Rode
in a hearing.

Preliminary Statement of References

Justia - (Fender) Fender v. Smashum - 2003-2005

Case Breakdown will follow

"Why Do I Need A 'Quiet Title,' Law Suit"

The six (6) Elements required and satisfied to claim ^{Possess.} Title To

Bloomberg Law Report(s) legal matter in all Courts

Carolyn entered in SC Circuit Ct up to The Dist For SC

The Last Will And Testament of The Decedent

The Holy Bible

The Conference Call(s) - Plaintiffs And Defendant

Amendment → The blatant lies, deceit, Conspiracy & Sabotage cited
The "Imagined" and real "Hearings," and Contents
AS TO CASE NO. Cp 10 04058 (as to the judge therein
and fraud SCAM and "Conspiracy," "Sabotage"
as well as deliberate Omissions by the judge
Federal = "Due Process," and Omission as to following
the "Standard of Review," and neglect to "Notice,"
Defendant of Crucial Hearing Oct 30, 2024 and this
judge "Recusing" himself here when I started
to speak second time denying me, "Due Process" content
and opposing Counsel only allowed to participate

Reference as to "Heir" vs. "Tenants NOW." Defendants held

* ^{held} Property "Subject herein" "Adverse To The Rights to Possession and profits" →

Statement Of The Case and Facts And Issues

CASE No. 2025000893 Compels me, Appellant, to argue against a prior case to prove the unarguable reasons, "jury trial," must be ordered on my behalf. Or if this ~~case~~ finds reason to put an end to the ~~case~~ upon which Appellant's case hinges, upon that ~~case~~ would give me, Appellant the just path to retrieving my property at 338 Fifth Ave. + 011th St. in Mt. Pleasant, SC 29464. My opposers ie opposing Counsel desperate to ~~illegally~~ legally accept the judge's strictly, "Improviently," granted, "Order Summary Judgment," that gives my property to a Charles Tolbert for profit for, on behalf of all Respondents, would have you, judges, justices believe that my case is CASE 2021 CP 1004058 the prior case being challenged lawfully. The "motion," in that case ~~was~~ to Counter-claim "Quiet Title Lis Pendens," "Meritless," claim that My "Motion," is for, "Jury Trial" in the matter, to Re-frieve my property stolen by judge Mitchell Scarborough and gifted to the Respondents via Charles Tolbert + Keith Tolbert. The latter filed the false claim. Other facts and issues are as follows: Prior case

- * 1. Judge Scarborough Dochestrated a conspiracy
- * 2. He setup or Convened two meetings he called Conference,
- * 3. He invited Opposing Counsel and even enjoined my Counsel.
- 4. He had all Counsel present Sign a document consent-
ing to allowing him to stay on CASE NO 2021 CP 10040
58 the duration of the matter.

cont

2

(5) Bert Smith was omitted from said conferences

* 6. These co-conspirators sat together; drew up a substi-

* tute "Draft" plan; not permitting C.T. Smith privy of the plan

7. This judge still scheduled a hearing to hear "Counterclaim,"

to "Quiet Title," already "Reversed And Remanded" to another SC

Circuit Ct, in and about 2003, '04, '05, defeated by a "Decree of

* Distribution," and by that Circuit Ct judge's neglect to adhere

to the "Standard of Review," and; genuine issues as to

material" just as did judge Mikell Scarborough who com-

promised, "Truth," here and practiced; "Deceit," in his report -

* ing to judges or justices in the SC District Ct. For the

District of SC

8 He reported to said ct, that Carolyn could not prevail

in her "Counterclaim," because she had not lived

* twenty (20) yrs. exclusively in my home where I lived ex-

clusively eighteen yrs and for that reason only claim the

ten (10) yr. claim. Herein see the judge's "Cover up," for

obstructing justice once again

(9) This judge's conspiracy with, "Intent," is a felony. In

addition, he executed the "Intent," ie as they all judi-

ciary agreed to, in their meetings ie to "Sabotage" the hear-

ing (10) This judge started the hearing upside down and "Un-

constitutionally heard only one side in a dispute be-

tween two parties! why? The conspirators agreed toge-

ther to have the judge hear "ONLY," SUMMARY JUDGE

and shut said hearing down. (11) He left my family up

from FL 1,200 Miles dumb founded? No explanation!

12) Now I, Appellant, feared she and all qualified owners would lose their/our home where we had lived eighteen 18 yrs or better like Coroby

13) Carolyn's Atty sternly refused to appeal; tried to convince Carolyn to accept the new play "a pig in a blanket," never shared (W) Carolyn and refused by Carolyn.

14) The Opposers mis-represented this Attorneys withdrawal from CASE NO. cp 1004058 as "Mutual," another compromise

15) of "TRUTH," of which there were numerous! Carolyn needed her * to honor her fiduciary relation therein. She did not offer argument to counterclaim, "Quiet Title," Ashley Andrews Esq. fir-

16) * rally, in another hearing, softly admitted that she, the judge et al.

17) never heard any "Counterclaim to 'Quiet Title'" yet they continue to, in desperation, race toward finalizing an "Order Summary Judgment," "Im providently" "Gifted" to Charles Tolbert under the "guise" of a correct, legal judgment though it has to be Squashed to make way for "justice," and, "TRUTH"

18) The Conspirators too easily were granted, by the SC Court of Appeals, A "Dismissal of Carolyn's legitimate case against the Conspirators," "Im providently," granted Order Summary Judgment Dismissed (W) Prejudice

19) Opposing Counsel and Respondents are eager, desperate to have thus my CASE NO 2025 000 893 out of the hands of members of the SC Court of Appeals. They need to keep covered their sinister, clandestine behaviors spelled out in my new case cited above.

20) What judiciary has done to me herein is reprehensible and must be ended by jury trial or by other means that will give back my property to me; Aug, Ave Smith

Standard of Review (Skipped by judge)

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.

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

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). the
sup
elements

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

Summary of Argument

I, Appellant, Ave Smith ~~am~~ herein setting before you, the honorable judges and Justices of the South Carolina Court of Appeals, my appeal of Judge C. Chyburn Pope's of the Court of Common Pleas of Chas. S. wherein she denied of my, 'Motion' for, 'Jury Trial,' in the critical matter of the "Imprudently," granting Charles Talbert, an estranged gran/nephew/cousin my property mentioned herein. Because the very case, "Quiet Title Lis Pendens" is without "merit" for at least two reasons first the case similar to mine cited in "Justin-Fender v. Smashums" proved that a, "Deed of Distribution," is a legal product that, "Defeats," "Quiet Title." Such "Deeds," plus a circuit Ct judges neglect to follow the "Standard of Review," as did judge Scarborough in CASE NO. 2021CP1004058 the case that adversely impacts my new case compelling me to refer constantly to that case because of those deficiencies, "Quiet Title" judgment was, "Reversed and Remanded" back down to SC Circuit Ct. in and about, "2003-2005" Secondly this judge in his attempt and zealous desire to have his preferred lawyers prevail, "Orchestrated a Conspiracy with," "Intent," a "Crime," "Sabotaged," the scheduled "hearing," for the Defendants, "Counterclaim," ^{which} was to be argued before him. He deliberately heard from opposing counsel with "Summary judgment only/and first," ignored the "Defendants" This was a fraudulent, "S.C.A.M." act of a Ghost hearing that I witnessed. He blocked opposing argument;

robbed the "Other side" ie opponent their "Due Process," an illegal action as to a citizen's Constitution "Right"

As judges, justices and others examine the, "Prosecutor's) mis-conduct," blatant "Mis-Carriage of justice," obstrat ion of justice," and "Traavasty of justice" the duration of case 2021 CP10 04058 which I must battle now I'm entrusting all the information to you justices + judges and before the Tri-Une God, my need for all of that seen as wrong be made right; bad made good, injustices made into Justice at last

I am a middle aged Respiratory Therapist I'm dealing with sadness, disappointment, Care for those in sorrow after losses always of babies children. Like you I too depend on those especially those sworn to uphold the law to do so unhesitatingly

Argument

I, Appellant Ave having adversely held the Right to possession and all profits as to My property at 338 Fifth Ave. & 06th St., Mt. Pleasant, SC 29464, will prove my ownership referencing the "Six(6) Requirements already satisfied especially "Ouster" and all other as to my "Title To Adverse Possession." My "Motion" for Jury Trial is

Conclusion

Before the "Seat of Justice" The Tri-Une God I cast my case, saying Justly Judge Scarborough's granting of my property "Improvidently" by egregiously ignoring the "Critical Standard of Review" barring counter claim argument by the 2 primary owners, Carolyn and due to judge Scarborough's Prosecutorial - Mis Conduct and Mis-Carriage of justice in Carolyn's Case

+10 Oct +100

See "Justice"

Fender v
Heinz of
Smetham m"

Conspiracy With Intent (Crime)
Sabotage Barring Carolyn
"Due Process"

The "Draft" Orchestrated By Judge Scarborough

See this judge's sinister "Motives" To Stoop To Conquer!

This is the illegal, sinister and judge orchestrated, "Prosecutorial-mis-conduct" executed by Judge Mi Scarborough. He scheduled a hearing with Carolyn's opportunity to Counterclaim "Quiet Title"... Sept 21, 2022. However it was later revealed/uncovered that his plans agreed to by the following judiciary who gave their signed consent to "Sabotage" ~~was~~ just that is to "Sabotage," the scheduled hearing Sept 2022. The judge earlier in July and Aug 2022 convened in July and Aug 2022 what he called Conferences where behind my back not making Carolyn privy of the substance of those meetings hence with no input from Carolyn they drew up said document that favored Carolyn's opposing Counsel and the Plaintiffs by law, legally had no right to possession of no right to any profits from subject property. Carolyn as of her eighteen yrs. of Exclusive 2 Consistent 3 actual, 4 open 5 notorious living having 5 Trusted Cotenants Heirs who all abandoned said property claimed with hostility by Carolyn whose Claim on the ten (10) yr legal Claim declared that in ten yrs. and in 18 yrs. at the time that Keith Tolbert file the false "Quiet Title law Suit" Carolyn had held said property adversely no rights to any others who never asserted possession end result = judge here has stolen Ave + Warrington property

Session

STATE OF SOUTH CAROLINA "DRAFT"
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Keith L. Tolbert,
Plaintiff,

A Fraud! My family
nor I ever heard my
counterclaim
CASE NO.: 2021-CP-10-04058

Bogus! Con-
spiracy by an
oulaw judge
who could not win
for those who were
losing to me! I.

AMENDED ANSWER AND
COUNTERCLAIM OF DEFENDANT

CAROLYN TOLBERT-SMITH

Carolyn Tolbert-Smith; Charles Tolbert;
Betty Jean Tolbert Jones; Sara Jo Tolbert
Latten; and Estate of Charla Tolbert
McMillan,

Bogus! This is bogus!
was not made privy of this
that they decided in the dark be-
hind closed doors! The judge or-
chestrated this conspired change of
DRAFT - Bogus counterclaim!

Defendant(s) ^{repugnant} that saw and

Mis Represented me! She reneged on her agreed duty! Turned Coat! consented

Defendant Carolyn Tolbert-Smith ("Defendant"), (by and through her undersigned to go
counsel, hereby submits her Amended Answer and Counterclaim to Plaintiff's Complaint (the

"Complaint") filed on September 2, 2021. In support of her Amended Answer and

Counterclaim, Defendant states as follows: I Stated nothing to any of
these lies never shared with me before my atty.

ANSWER

1. Each and every allegation of the Complaint not expressly admitted herein is
denied, and Defendant demands strict proof thereof. where is proof? None!
There is none!

2. As to Paragraphs 1 - 8 of the Complaint, upon information and belief, Defendant
admits the allegations stated therein. Perhaps, I deny

ANSWER AND AFFIRMATIVE DEFENSE TO FIRST CAUSE OF ACTION
(Quiet Title)

3. The allegations of the preceding Paragraphs are realleged as if fully set forth
verbatim herein. re par. 1 and 2

Note, please: This whole case drips in
hidden pertinent information I should have been
a bodily part of! No judge decides a case with the
dark, despised group of judiciary members deciding my
case for me. Such a... the best... but... no... it... .

Copy Top
Select Pop to copy
Two copies

fraudulent v. she ailing with no op-
portunity given at hearing for my factual
lawful
win-
ning
Counterclaim

NOT SO!
NOT MY
Counterclaim!

NOT MY
Counterclaim!

See pg 8 of 9

Copy 2
on

The Counterclaim of my
Adversaries and

Form 7

The State Of South Carolina

In the Court Of Appeals

Appeal From Charleston Co., SC

Court Of Common Pleas

Courtney Clyburn Pope, Circuit Ct Judge

CASE No. 2025000893

Cotenants of the Estate of Helen G.

Tolbert, decedent, William Kahwan Alwyn

Silver, Guardian Ad Litem for Sara J. Latten,

Ashley Andrews, Judge Nikell Scarborough,

Atty. Melena Dinwoodie, Judge C.C. Pope

Ave Smith

Respondents,
Appellant.

This is to certify that a copy of the "Initial Brief" of Appellant, Ave Smith is being Emailed or sent by U.S. Postal Service to the Respondents herein named. Said Brief was mailed to the SC Court of Appeals after Nov 14, 2025. The same Brief & correspondence with proof of service Dated Dec. 25, 2025.

Ave Smith
338 Fifth Ave. + 6th St.
Mt. Pleasant, SC 29464
1-843-216-6960

Pro Se

Copy 5 more

Cont.

Form 7

Proof of Service Certified + E-mail

- 1. Betty J. Jones
1311 Delaware Ave. S.W.
Apt. South 843
Washington, D.C. 20024
- x 2. William Kalivas - Wil@SmithLaw
Carolinas.com
- x 3. Ashley Andrews info@lafondlaw.com
- x 4. Alwyn Silver - Taylor@SilverLawLawfirm
LLC.com, Judge C. C. Pope

5. South Carolina Ct. of Appeals
Attention: Court Authority and Clerk of Ct.
1220 Senate St. Columbia SC 29201

6. Judge C. Clyburn Pope - Judicial Cntr.
100 Broad St. Chas. SC 29401

7. M. Dinwoodie Co The Finkel Law Firm is

Omit x 8. Judge T. Rode - rode s@sccourts.org Omit
9. Judge M. Scarborough - Judicial Cntr. 100 Broad St, Chas. SC 29401

cc; President Barack Obama Ave Smith
cc; Justice Amy Coney Barrett 338 Fifth Ave + 6th St.
cc; Chief Justice Roberts Mt. Pleasant, SC 29464
Acting Secretary, 1-843-216-6960
Acting Paralegal, Pro Se
Justices of the ^{US} Supreme Ct of the U.S.A.

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Court Authorities
1220 Senate Street
Columbia, SC 29201

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