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Jan 29 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Courtney Clyburn Pope

Case No. 2024-CP-10-06162
Appellate Case No.: 2025-00893

AVE SMITH Appellant

v.

HEIRS OF HELEN TOLBERT, CHARLES TOLBERT, SARA JO TOLBERT LATTEN, KEITH
TOLBERT, BETTY JEAN TOLBERT JONES and CAROLINA TOLBERT SMITH
..... Respondents

**RESPONDENT KEITH TOLBERT’S MOTION FOR EXTENSION OF TIME TO FILE
THE INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Pursuant to Rule 240, South Carolina Appellate Court Rules, Respondent Keith Tolbert,
by and through counsel, hereby respectfully moves for an Order granting permission to serve and
file the Initial Brief of Respondent and Designation of Matter outside of the filing deadlines set by
Rule 208 of the South Carolina Appellate Court Rules.

Respondent mistakenly understood that a copy of the transcript from the lower court had
been ordered and expected it to be received prior to the deadline to serve and file his initial brief,
and was only made aware of this deficiency by correspondence of the Court on January 27, 2026.
Respondent is filing his Initial Brief of Respondent and Designation of Matter contemporaneously
with this motion.

Respondent does not seek this extension for undue delay or any improper purpose. If granted, this would be the first extension of time granted to Respondent.

Respectfully submitted,

s/William K. Kalivas

William K. Kalivas, Esquire (S.C. Bar No. 80201)

Smith Law Group of the Carolinas, LLC

225 Seven Farms Drive, Ste 203

Charleston, SC 29492

P.O. Box 50610, Summerville, SC 29485

843-607-0254; will@smithlawcarolinas.com

Attorneys for Respondent Keith Tolbert

January 29, 2026

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TOLBERT, BETTY JEAN TOLBERT JONES and CAROLYN TOLBERT SMITH
..... Respondents

PROOF OF SERVICE

I certify that a copy of Respondent Keith Tolbert’s Motion for Extension of Time to File Initial Brief of Respondent and Designation of Matter was served on the below-listed counsel of record and pro se parties via electronic mail or first class mail on January 28, 2026. A copy of the service email is attached hereto as Exhibit “A”.

Ave Smith
338 5th Ave.
Mt. Pleasant, SC 29464

Betty Jean Tolbert Jones
1311 Delaware Ave SW, Suite S. 843
Washington, DC 20027
bettyjeantolbertjones@yahoo.com

Sara Jo Tolbert Latten
c/o Alwyn Taylor Silver
103-D Queen Street
P.O. Box 1665
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Ashley G. Andrews
LaFond Law Group, PA
544 Savannah Highway, A
Charleston, SC 29407
andrews@lafondlaw.com
Attorney for Charles Tolbert

Carolyn Tolbert Smith
338 5th Ave.
Mt. Pleasant, SC 29464

Respectfully submitted,

s/William K. Kalivas

William K. Kalivas, Esquire (S.C. Bar No. 80201)

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843-607-0254; will@smithlawcarolinas.com

Attorneys for Respondent Keith Tolbert

January 29, 2026



Exhibit
A

Will Kalivas <will@smithlawcarolinas.com>

2025-00893; Ave Smith v. Heirs of Helen Tolbert, et al

1 message

Will Kalivas <will@smithlawcarolinas.com>

Thu, Jan 29, 2026 at 9:28 AM

To: Ashley Andrews <andrews@lafondlaw.com>, Taylor Silver <taylor@silverlawfirmllc.com>

Good Morning,

Attached for service, please find a copy of Respondent Keith Tolbert's Motion for Extension, Initial Brief of Respondent and Designation of Matter, along with correspondence to the Clerk of Court enclosing the filing fee. If you have any questions, please don't hesitate to contact me.

Thanks,

Will

William K. Kalivas
Smith Law Group of the Carolinas, LLC
225 Seven Farms Drive, Ste 203, Daniel Island, SC 29492
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Summerville, SC 29485
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SC Court of Appeals

5 attachments

Cover Letter.pdf
193K

Motion for Extension - Proof of Service.pdf
175K

Initial Brief of Respondent - Proof of Service.pdf
258K

Designation of Matter - Proof of Service.pdf
195K

Fee Letter.pdf
181K

Smith Law Group of the Carolinas, LLC

Attorneys at Law
225 Seven Farms Drive, Ste 203
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Summerville, South Carolina 29485

William K Kalivas
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Jan 29 2026

SC Court of Appeals

Office – 843-607-0254
Cell – 843-906-3243
www.smithlawcarolinas.com

January 29, 2026

VIA EMAIL ONLY:

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

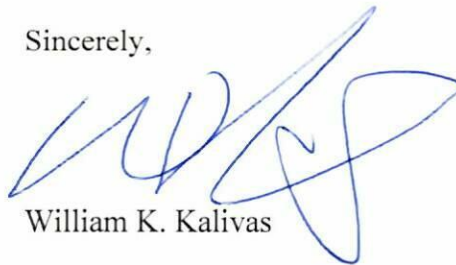
Re: Ave Smith, Appellant v. Heirs of Helen Tolbert, et al, Respondents
Case No.: 2025-00893

Dear Ms. Kitchings:

Enclosed for filing, please find a copy of Respondent Keith Tolbert's Motion for Extension, Initial Brief of Respondent and Designation of Matter, along with Proof of Service for each filing. By copy of this letter, a copy of each of the above-mentioned filings has been provided to the pro se parties at the addresses on file with the Court of Appeals.

Please don't hesitate to contact me if you have any questions.

Sincerely,



William K. Kalivas

cc: Ashley G. Andrews, Esquire
Alwyn T. Silver, Esquire
Carolyn Tolbert Smith
Betty Jean Tolbert Jones

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SC Court of Appeals

Smith Law Group of the Carolinas, LLC

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January 29, 2026

VIA FIRST CLASS MAIL:

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

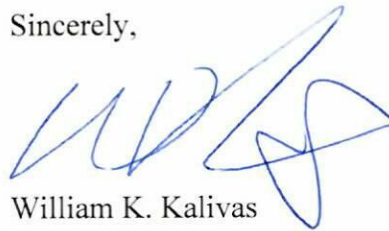
Re: Ave Smith, Appellant v. Heirs of Helen Tolbert, et al, Respondents
Case No.: 2025-00893

Dear Ms. Kitchings:

Enclosed please find Smith Law Group of the Carolinas, LLC's check in the amount of \$50.00 representing the filing fee for Respondent's Motion for Extension that was filed in the above-referenced matter via electronic mail on January 29, 2026.

Please don't hesitate to contact me if you have any questions.

Sincerely,



William K. Kalivas

cc: Ashley G. Andrews, Esquire
Alwyn T. Silver, Esquire
Carolyn Tolbert Smith
Betty Jean Tolbert Jones