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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 CAROLYN TOLBERT SMITH .....  
..... Respondents

**PROOF OF SERVICE**

I certify that a copy of the Initial Brief of Respondent Keith Tolbert was served on the below-listed counsel of record and pro se parties via electronic mail or first class mail on January 29, 2026. A copy of the service email is attached hereto as Exhibit "A".

Ave Smith  
338 5<sup>th</sup> Ave.  
Mt. Pleasant, SC 29464

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1311 Delaware Ave SW, Suite S. 843  
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*Attorney for Charles Tolbert*

Carolyn Tolbert Smith  
338 5<sup>th</sup> Ave.  
Mt. Pleasant, SC 29464

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



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  
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Summerville, SC 29485  
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**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

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# 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

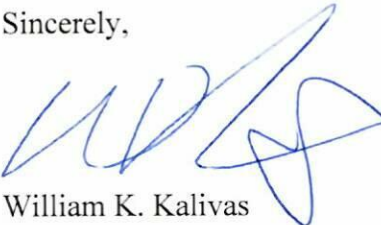
Re: Ave Smith, Appellant v. Heirs of Helen Tolbert, et al, Respondents  
Case No.: 2025-00893

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

# Smith Law Group of the Carolinas, LLC

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**SC Court of Appeals**

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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

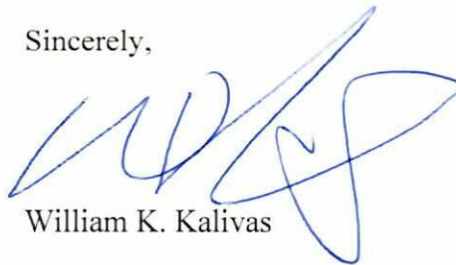
Re: Ave Smith, Appellant v. Heirs of Helen Tolbert, et al, Respondents  
Case No.: 2025-00893

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