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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

**RESPONDENT KEITH TOLBERT’S DESIGNATION OF MATTERS
TO BE INCLUDED IN THE RECORD ON APPEAL**

Smith Law Group of the Carolinas, LLC

s/William K. Kalivas

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

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Attorneys for Respondent Keith Tolbert

January 29, 2026

The undersigned attorney for Respondent Keith Tolbert hereby designates the following matters to be included in the Record on Appeal:

1. Summons & Complaint filed by Appellant on December 12, 2024;
2. Motion for Title to Adverse Possession filed by Appellant on December 12, 2024;
3. Motion to Dismiss filed by Respondent Keith Tolbert on February 4, 2025;
4. Exhibits to Motion to Dismiss, including Summons & Complaint from case no. 2021-CP-10-04058, Consent Order to Quiet Title from case no. 2021-CP-10-04058, and Order Granting Summary Judgment from case no. 2021-CP-10-04058;
5. Answer to Complaint & Counterclaim filed by Respondent Charles Tolbert on March 7, 2025;
6. Order of The Honorable Courtney Clyburn Pope granting motion to dismiss and denying motion for title to adverse possession filed on March 31, 2025; and
7. Intent to Appeal the Decision to Deny my Motion/Jury Trial filed by Appellant on April 16, 2025.

I certify that this Designation of Matters contains no matter which is irrelevant to this appeal.

Respectfully Submitted,

Smith Law Group of the Carolinas, LLC

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