

Smith Law Group of the Carolinas, LLC

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Received 02/08/2026

January 29, 2026

RECEIVED

FEB 17 2026

SC Court of Appeals

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

wrong - correction CASE NO. 2025-000 893

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.

? of time for your Initial Brief?

What is each filing?

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

Sincerely,

[Handwritten Signature]
William K. Kalivas

Call Emily Secretary of Appeals

Email Opposer Initial B Designation to the Court? to All Respondents

Call Code Enforcement Edward on my voice mail service

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

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 4006162
Appellate CASE No. 2025000893
Ave' Smith Appellant,

Cotenants of the V. Estate of Helen D. Tolbert Sara J.
Tolbert Lattery, Betty J. Tolbert Jones, Keith Tolbert,
Charles Tolbert, Carolyn Tolbert Smith
Respondents.

Re: Order And Motion Granted
To Respondent, Keith Tolbert
For "Extension" To File "Initial Brief"
And, "Designation" of The Matter

Ave' Smith, Appellant, is in receipt of the Motion
seen above. I note that opposing Counsel is being given
ten (10) days to file the delinquent filings. I also understand
that said Counsel has 10 days plus a grace period of an
additional five (5) days. Due date hence Feb 8 or 13th 2026.

Appellant's "Intent" is to file a motion to Dismiss the
Respondent's "Motion" with prejudice as to the "Extension" here
in, if he fails to comply with the Extension Order timely.

Respondent's Counsel, William Kalivas, in The Court of Com-
mon Pleas was granted a Motion for Extension for Keith
Tolbert to take time for Flight studies.

Proof of Service
Attachment Below

Respectfully,
Ave' Smith
338 Fifth Ave # 614
Mt. Pleasant SC 29465
1-843-216-6960
Pro Se

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

FEB 17 2026

SC 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 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".

Received 02/08/2026

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
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P.O. Box 1665
Georgetown, SC 29442
taylor@silverlawfirmllc.com

Ashley G. Andrews
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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

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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

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5 attachments

- Cover Letter.pdf**
193K
- Motion for Extension - Proof of Service.pdf**
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- Initial Brief of Respondent - Proof of Service.pdf**
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Respectfully submitted,

s/William K. Kalivas

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Attorneys for Respondent Keith Tolbert

January 29, 2026

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 5th Ave.
Mt. Pleasant, SC 29464

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

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taylor@silverlawfirmllc.com

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Attorney for Charles Tolbert

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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)
225 Seven Farms Drive, Ste 203
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843-607-0254; will@smithlawcarolinas.com
Attorneys for Respondent Keith Tolbert

January 29, 2026

Please take notice to what is written below, "the" reason that William Kalivas, Esquire complains the filings are numerous you'll readily understand that the reprehensible conspiracy to steal property

The undersigned attorney for Respondent Keith Tolbert hereby designates the following

matters to be included in the Record on Appeal:

Worthy owners by law and clandestinely gift it to the most unworthy put into action by the most despicable law breakers in the judicial system. One must fight the good fight

No number of Summons nor Orders all hinged on "Rubber Stamping" of the illegal conspired acts

put into motion by judge Mikell Scarborough's felony crime that ended in the

Im - well as her coconspirators pro - the ruthless right to this violent order summary judgment of NOV 2023 to Charles Tolbert,

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; *Motion for Jury trial to Retrieve my Property Improvidently granted to an extremely Cousin by the judges conspiracy (w)*
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 "Intent," Granting Summary Judgment from case no. 2021-CP-10-04058; *which is a felony crime - Judge Scarborough executed the conspired plan*
5. Answer to Complaint & Counterclaim filed by Respondent Charles Tolbert on March 7, 2025; *Note: The law is on the Appellants side - with all of his Caucasian players, conspirators in place they "sabotaged" Carolyn's Hearing according to their written consent motion for title to adverse possession filed on March 31, 2025; and first to have judge Scarborough stay on the*
7. Intent to Appeal the Decision to Deny my Motion/Jury Trial filed by Appellant on April 16, 2025. *Case the duration of the case and secondly to agree to the "sabotage" i.e. the hearing judge*

I certify that this Designation of Matters contains no matter which is irrelevant to this Scarborough* scheduled to hear Carolyn's Counterclaim to the false, frivolous Quiet Title Lis Pendens claim Respectfully Submitted, filed, Sept. 2018. Claim was undisputed without merit totally. This

Smith Law Group of the Carolinas, LLC
William K. Kalivas, Esquire (S.C. Bar No. 80201) *NOTE: please: All SE- VCA Designation of matters are irrelevant to this case.*
225 Seven Farms Drive, Ste 203
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P.O. Box 50610, Summerville, SC 29485
843-607-0254; will@smithlawcarolinas.com
Attorneys for Respondent Keith Tolbert

January 29, 2026

daring act by beginning the Hearing upside down and after hearing only Summary judgment, accepted some papers handed to my atty, Melena Dinwiddie; heard nothing from her then abruptly shut the hearing down, "Barring" Carolyn from "Due Process," a 2nd Fed offense! CFB.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
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AVE SMITH Appellant

v.

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

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I certify that a copy of Respondent Keith Tolbert's Designation of Matters to be Included in the Record on Appeal 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 5th Ave.
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Respectfully submitted,

s/William K. Kalivas

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Attorneys for Respondent Keith Tolbert

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-  **Fee Letter.pdf**
181K

II. The Circuit Court did not err in granting Respondent Keith Tolbert's Motion to Dismiss pursuant to Rule 12(b)(6), SCRPC, and doctrine of res judicata.

Appellant is the only grandchild with vested interest, the only grandchild interest in the property independent of her relationship with her mother, Respondent Smith. Appellant is not on the deed and does not have any ownership interest in the properties at issue. Smith filed a counterclaim in case no. 2021-CP-10-04058 alleging the same adverse possession claim asserted by the Appellant. Judgment was entered against Smith on that claim after a hearing on a motion for summary judgment, and the parties entered a consent order quieting title in the

names of the Respondents to this appeal. To the extent Appellant's Complaint is merely an attempt

to avoid the judgment entered against Smith on her adverse possession claim, then the action is rightfully barred pursuant to the doctrine of res judicata and was properly dismissed as a matter of

law by the Circuit Court. "Res judicata bars subsequent actions by the same parties when the claims arise out of the

same transaction or occurrence that was the subject of a prior action between these parties." Nelson v. QHG of South Carolina, Inc., 354 S.C. 290, 304, 580 S.E.2d 171, 178 (Ct. App. 2003). The doctrine of res judicata prevents any party "from raising any issues which were adjudicated in the former suit and any issues which might have been raised in the former suit." Hilton Head Ctr. Of South Carolina, Inc. v. Pub. Serv. Comm'n of South Carolina, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987). To dismiss a subsequent action under the doctrine of res judicata, a "defendant must prove three elements: (1) identity of the parties; (2) identify of the subject matter; and (3) adjudication of the issue in the former suit." Nelson, at 304, 580 S.E.2d at 178.

In this case, while the identity of the parties is not identical, Appellant essentially stands in the shoes of Smith from the previous action. Her alleged possession of the property is wholly dependent upon Smith's ownership interest, which was previously adjudicated to be insufficient

Neither Charles nor Keith had standing to file any law suit in this matter. worse yet, said law suit is without merit. Filed in the sc Court of Common Pleas for Charleston County is the proper sound

Appellant is the only grandchild with vested interest, the only grandchild interest in the property independent of her relationship with her mother, Respondent Smith. Appellant is not on the deed and does not have any ownership interest in the properties at issue. Smith filed a counterclaim in case no. 2021-CP-10-04058 alleging the same adverse possession claim asserted by the Appellant. Judgment was entered against Smith on that claim after a hearing on a motion for summary judgment, and the parties entered a consent order quieting title in the names of the Respondents to this appeal. To the extent Appellant's Complaint is merely an attempt to avoid the judgment entered against Smith on her adverse possession claim, then the action is rightfully barred pursuant to the doctrine of res judicata and was properly dismissed as a matter of law by the Circuit Court. "Res judicata bars subsequent actions by the same parties when the claims arise out of the same transaction or occurrence that was the subject of a prior action between these parties." Nelson v. QHG of South Carolina, Inc., 354 S.C. 290, 304, 580 S.E.2d 171, 178 (Ct. App. 2003). The doctrine of res judicata prevents any party "from raising any issues which were adjudicated in the former suit and any issues which might have been raised in the former suit." Hilton Head Ctr. Of South Carolina, Inc. v. Pub. Serv. Comm'n of South Carolina, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987). To dismiss a subsequent action under the doctrine of res judicata, a "defendant must prove three elements: (1) identity of the parties; (2) identify of the subject matter; and (3) adjudication of the issue in the former suit." Nelson, at 304, 580 S.E.2d at 178. In this case, while the identity of the parties is not identical, Appellant essentially stands in the shoes of Smith from the previous action. Her alleged possession of the property is wholly dependent upon Smith's ownership interest, which was previously adjudicated to be insufficient

Irrelevant
Irrelevant

Respondent

come only to money and 50000.00 law firm early on

that was never heard at the hearing where scheduled the judge surprised my argument

decide my argument never allowing me to proceed

Appellant's claim is her right to quiet title to her property gifted to her estranged cousin greedy to "Eat though he did not work" Bible

you, Kalivar and Company must own up to the felony conspiracy and sabotage that you and other conspirators agreed to and participated in. Just think back on the joy you felt cheating Carolyn out of her "Day in Court" Had watched his punishment already started. But its just the beginning for you all. Admit your guilt and change. Ask Gods forgive

Please note: Every document from the hands and pens of opposing Counsel is heavily laden with demonic lies against Carolyn by judiciary → William Kalivas. This is sickening page after page after page.

Appellant's Transcript of the hearing in FACTS is the same transcript the Respondents and their judge Scar have their copy of

Par I

1 Appellant has either failed to properly order a copy of the hearing transcript, or a copy has
2 failed to be produced. Regardless, Respondent believes reference to certain undisputed facts is
3 necessary for a proper understanding of the appeal. However, no reference can be made to the
4 record on appeal because there is no transcript and a formal record on appeal has not yet been filed
5 by the Appellant. The Transcript is full of continued lies and deceit.

1 Appellant is the daughter of Respondent Carolyn Tolbert Smith ("Smith"). Smith is a

Carolyn

2 Defendant in a separate lawsuit, case no. 2021-CP-10-04058, that was filed by Respondent on
3 September 9, 2021. That Complaint contained causes of action for Quiet Title and Partition,
4 related to the same two (2) parcels of property as the Complaint filed by Appellant over three (3)

Lies!
This Law Suit is and was frivolous totally
one parcel integral
unover
Fake

5 years later. Smith answered the complaint and asserted a counterclaim for Adverse Possession.

Par II

6 Smith, through her attorney, and the other parties, which included all Respondents hereto, filed a
7 consent order on August 15, 2022 quieting title to the properties at issue. A hearing was then held

8 on Smith's counterclaim for Adverse Possession. Prior to the hearing, Respondent Charles Tolbert
9 filed a Motion for Summary Judgment on the issue, and argument on the motion was heard at the
10 start of the hearing on September 21, 2022.

1 After considering the arguments of counsel and facts of the case, The Honorable Mikell R.

2 Scarborough issued an Order Granting Summary Judgment, thereby entering judgment against
3 Smith on the Adverse Possession claim on November 8, 2022. That case remains pending and the
4 subject of no less than eighteen (18) filings by Smith, including at least one (1) appeal to this Court,

5 all of which center on the ruling on the Adverse Possession Claim. Appellant's case, including
6 the documents and Initial Brief filed in this appeal, are restatements of the same facts and issues

Par III

7 that have been presented, argued and denied in case no. 2021-CP-10-04058.

My God is aware of your demonic deeds!
Ours, our issues are factual, based on Truth & Justice.
yours are stiff lies,
bold, repugnant, shamefully Reprehensible harmful, satanical.

STATEMENT OF THE CASE

This is an appeal by Ave Smith ("Appellant") of the order denying Appellant's Motion for

Title by Adverse Possession and granting Respondent Keith Tolbert's ("Respondent") Motion to

Dismiss issued by The Honorable Courtney Clyburn Pope on March 28, 2025. Appellant filed the

Summons and Complaint on December 12, 2024 alleging that she is entitled "Title to Adverse

Possession". Contemporaneously therewith, Appellant filed a "motion of title to Adverse

Possession" as to two (2) parcels of property. No proof of service was ever filed, but Respondent

voluntarily submitted to the jurisdiction of the court by filing a notice of appearance and Motion

to Dismiss on February 4, 2025.

A hearing was held on the motions on March 17, 2025, and all parties appeared at the

hearing except for Respondent Betty Jean Tolbert Jones. The presiding judge took the arguments

under advisement and issued her ruling on March 28, 2025. Respondent served a copy of the

Order on all pro se parties on March 31, 2025. Appellant filed an "Appeal Response" and "Intent

to Appeal the Decision to Deny my Motion" on April 16, 2025. The initial Notice of Appeal to

the Court of Appeals was filed on or about May 7, 2025, and an amended Notice of Appeal was

filed on May 16, 2025.

To re-
friere
her property
Improvidently
Order Summary
submitted
applied to Ave's
estranged
cousin

Irrelevant

to give trial to retrieve her
property
stolen by
Judge
Mr. Scar and
given to an
estranged
cousin based
Based on a false
laws, false Law suit
Dmit Title Listenene

Fowl

Recd 02/ 1/2026

STATEMENT OF ISSUES ON APPEAL

- I. The Circuit Court did not err in denying Appellant's Motion for Title by Adverse Possession because Plaintiff failed to establish the necessary elements.
- II. The Circuit Court did not err in granting Respondent Keith Tolbert's Motion to Dismiss pursuant to Rule 12(b)(6), SCRC, and doctrine of res judicata.

I The circuit court did err in denying Appellants Motion for jury trial to recover her property, "Improvdiently" gifted to an estranged Cousin. Circuit Ct. judge did err in accepting and agreeing to judge Scarborough's lies and deceptive reporting and documenting said lies and deceptions

II Hence the circuit court review of the initial ct proceedings were full of obstructions of justice mis-Carriage of justice, Prosecutorial Mis-Conduct, a Travesty of justice

He heard one side of the dispute, the summary judgment. Then he shuts the hearing dow, denying the scheduled, promised counterclaim argument ignore the Blacks on that side of the dispute on two different occasions i.e. Sept 21, 2022 and again Oct 30, 2024. How you finally Recuse yourself still planning to get rich via of Black Window, Carolyn T. Smith

We reap what we sow, he said. Be ye not deceived. God is not mocked.

Irrelevant

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APPEAL FROM CHARLESTON COUNTY
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The Honorable Courtney Clyburn Pope

Case No. 2024-CP-10-06162
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TOLBERT, BETTY JEAN TOLBERT JONES and CAROLYN TOLBERT SMITH
..... Respondents

INITIAL BRIEF OF RESPONDENT KEITH TOLBERT

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

TABLE OF CONTENTS

Table of Authorities 3

Statement of Issues on Appeal 4

Statement of Case 5

Standard of Review 6

Facts 7

Argument 8-10

 I. The Circuit Court did not err in denying Appellant's Motion for Title by Adverse Possession because Plaintiff failed to establish the necessary elements. 8

 II. The Circuit Court did not err in granting Respondent Keith Tolbert's Motion to Dismiss pursuant to Rule 12(b)(6), SCRPC, and doctrine of res judicata. 8

Conclusion 10

Certificate of Service

I. The circuit Ct erred big time from beginning, Sept 2018 with the frivolous false law suit, *Quitt Tubbs* *Lis Pendens* to present. It is so obvious whose hands are rubbing whose palms.

II. Keith's law suit is frivolous. The circuit Ct is entering Evil to rubber stamp the known mis-carnage of justice by judge Mikell Scarborough, aiding William Kahiras, Erquie and Ashley Denwoodie and judge Scarborough.

III. The motion for jury trial should have been granted while the fowl handling of CASE NO 2021 cp1004038. Improvidently managed by a reckless, sinister judge should have been by 'now' dismissed with prejudice.¹

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)

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

Carolyn

**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.

1

Attachment To The Filing Of The Initial
Brief And Designation Of Matters By William
Kalivas And All Opposing Counsel in CASE No.
2025 000 893. Material Received 02/08/26

I, Appellant, Ave Smith, having reviewed the mailings from William Kalivas, Esquire find it necessary to highlight the following:

Said Counsel is attempting to negate what is pertinent in my case and in Counsel's case. In so doing, he has chosen CASE Law and argument that are totally irrelevant in my appeal before the Court ie to retrieve my property at 338 Fifth Ave. + 0' 6th St. in Mt. Pleasant, SE 29464. Said Counsel's purpose is to deceive this Ct. that the case is about the previous case, but fails to "Admit that it was in the previous case Appellant's property by Judge Mikell Scarborough, William Kalivas, Ashley Andrews (both Esquire) entered into signed consent to support said judge in Sabotaging the, "Hearing," where Carolyn T. Smith's Atty, Melena Dinwoodie was to counterclaim Kalivas' false, frivolous law suit, "Quiet Title Lis Pendens," This counterclaim has never been heard yet judge Scarborough who, abusing his power to the Nth degree Improvidently gave Appellant's property to Kalivas, his client, Charles Folbert, an estranged cousin with no, "No

Standing," because they, like all the Respondents herein, Abandoned the property for more than 18 yrs. and I, Appellant now have resided on the property more than twenty yrs, more than 18 yrs. at Keith's filing of the Law suit was, "no," merit at all.

Any and all referencing of the previous case has to do purely with the Way that the previous CASE, 2021 cp 10 04058 (Sabotaged ^{Carolyn's side} Never allowed to be heard by M. Scarborough judge, Motive being to avoid having Kalivas and opposing Counsel surely, "not prevail," at Carolyn's hearing. Impactful, Negatively upon the previous case, a rotten unstable foundation. The foundation therein began with the judge's allowing opposers to pursue said frivolous case. Secondly this called for + forced, "Motive" to, "cheat" Obstruct Justice, Mis, Carriage of justice, and with the Conspiracy Orchestrated by judge Scarborough, Prosecutorial Mis-Conduct, a Travesty of justice!"

Had this judge not enjoined Carolyn's lawyer to engage by with them all by signed consent to keep this judge on their S.C.A.M case now a "crime" a "felony", "Conspiracy" with "Intent," i.e. the hearing started with Summary judgment for Carolyn opposers Appellant would not have to defend having already, already adversely possessed said property adverse to Respondents' possession or profit

Strong support that Atty. Kalivas and all ^{of} Appellants
 Opposers would ^{not} already settled for the "Truth," that
 "Improvidently," granting Charles Tolbert illegally
 by way of "Conspiracy" i.e. "setting aside Carolyn's
 input as to the Pig In-A-Blanket," brand new
 "Draft," as to ownership of property, "not belonging
 to any Respondents and their judge and attorneys, he
 the judge was partial toward had this judge heard
 my side in the matter or not Convened his two (2)
 Conferences July and Aug. to obstruct justice
 that barred Carolyn of Due Process and further
 made Carolyn's atty. refuse to appeal and prevail
 getting ^{her} proper Title to said property.

By the Truth set forth in this matter it is
 and will always require, "referencing," what Kali-
 vas et al. who conspired with Judge Scarborough
 to steal by sabotage of / at the scheduled hearing
 by Scarborough what he did to "compel," me, Ap-
 pellant to use the ungodly-be having, the stoop-
 ing to conquer in this whole matter of injustice

- 1) CASE law by Atty Kalivas is, "Irrelevant," herein
- 2 Referencing from the previous case to prove the
 necessary of using the reference is "foundational," in
 my case and was created by the opposers shamelessly.
3. That comes now the opposers show their Paranoia
 that their despicable actions leave them to "drown"
 in their shame. "God" and "Righteous" reign among all "All"

Finally I say let the "TRUTH" now reign in Case No. 2025 000893 for me, Appellant, Ave Smith. Let the "light" of God, the SEAT OF Justice, dispel the "Darkness," of the previous case herein cited by William Kalivas, one who willingly signed on to the "Conspiracy with Intent," (a felony crime) which led to the compelling prompting for me to reference the criminal foundational grounds in my battle for my property subject of my objection(s) herein. I seek Justice and "TRUTH," as I continue in this struggle. God be with us "All."

Proof of Service

I, Appellant, Ave Smith, do certify that a copy of the foregoing which includes the "Initial Brief" and the Designation of Matters by William Kalivas on behalf of Respondents Named and Counsel is being sent by U.S. Postal Service Dated 02/12/2026

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SC 29464
FEB 12, 2026

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The Honorable Jenny Abbott Kitching

Clerk of Court
SC Court of Appeals
1220 Senate St.
Columbia, SC 29201

