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FEB 25 2026

SC Court of Appeals

Charleston Common Pleas

Case Caption: Keith L Tolbert VS Carolyn Tolbert Smith , defendant, et al  
 Case Number: 2021CP1004058 *Get Ave's Ct Date Ave's*  
 Type: Order/Electronic Form 4

So Ordered *Received Dec. 15/2025*

s/ T.J. Rode (#2792)

\* Please note: Carolyn T. Smith is always notice by U.S. Postal Service often much later than.

Electronically signed on 2025-10-08 13:21:46 page 3 of 3

*the same day  
 of the hearing? No.  
 Perhaps Counsel is  
 in receipt of Orders the same days  
 never am I.*

*Signed Oct 8, 2024 Ordered  
 Mailed when??*

ELECTRONICALLY FILED - 2025 Oct 08 1:28 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP1004058

Copy 2

Keith L Tolbert  
PLAINTIFF(S)

Carolyn Tolbert Smith et al  
DEFENDANT(S)

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SC Court of Appeals

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

See below.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/08/2025 .

Betty Jean Tolbert Jones for Betty Jean Tolbert Jones  
 Carolyn Tolbert Smith for Carolyn Tolbert Smith  
 Charla Tolbert Mcmillian  
 Carolyn Tolbert Smith for Carolyn Tolbert Smith  
 Carolyn Tolbert Smith for Carolyn Tolbert Smith, Carolyn Tolbert Smith  
 Betty Jean Tolbert Jones for Betty Jean Tolbert Jones

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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**Court Reporter:**

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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This matter came before the Court on October 8, 2025, on various motions of pro se Defendant Ms. Carolyn Tolbert Smith, including motions styled Motion for Conspiracy, and Motion for Trial on Retrieving Property. The remaining parties were represented by counsel.

By way of background, this case was before the Court in July on Plaintiff's Motion to Determine Heirs Property and Appoint an Appraiser. Prior to, and subsequent to that hearing Defendant has filed numerous documents and materials. One such filing was made on March 28, 2025, and styled as a Motion to Dismiss, which was heard by the Court in July at the same time as the hearing on Plaintiff's Motion to Determine Heirs Property and Appoint an Appraiser. On August 18, 2025, this Court entered an interim order granting plaintiff's motion, and on September 9, 2025, this Court entered a final written order granting Plaintiff's Motion to Determine Heirs Property and Appoint an Appraiser. Although the granting of this Order implicitly denied Defendant's Motion to Dismiss, the Order did not explicitly deny Defendant's Motion to Dismiss. Therefore, the Court enters this Order to clarify and confirm its ruling on that motion and to address the additional matters that were before the Court on October 8, 2025.

During the hearing on October 8, 2025, the Court heard from Defendant on all outstanding issues, objections, and forms of relief she was seeking including allowing her to be reheard on Motion to Dismiss, as well as her Motion for Conspiracy, and Motion to for Trial. Upon the arguments of the parties, and specifically upon consideration of the prior Order of the Master in Equity granting summary judgment on Defendant's claims/counterclaims, the Court herein clarifies, finds and rules as follows: Defendant's Motion to Dismiss is DENIED; Defendant's Motion for Conspiracy is DENIED; and Defendant's Motion for Trial is DENIED.

**Court Reporter:**

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

This matter came before the Court on October 8, 2025, on various motions of pro se Defendant Ms. Carolyn Tolbert Smith, including motions styled Motion for Conspiracy, and Motion for Trial on Retrieving Property. The remaining parties were represented by counsel.

*Carolyn's "Motion" - was to "Dismiss with prejudice" My Case*

*No!*

By way of background, this case was before the Court in July on Plaintiff's Motion to Determine Heirs Property and Appoint an Appraiser. Prior to, and subsequent to that hearing Defendant has filed numerous documents and materials. One such filing was made on March 28, 2025, and styled as a Motion to Dismiss, which was heard by the Court in July at the same time as the hearing on Plaintiff's Motion to Determine Heirs Property and Appoint an Appraiser. On August 18, 2025, this Court entered an interim order granting plaintiff's motion, and on September 9, 2025, this Court entered a final written order granting Plaintiff's Motion to Determine Heirs Property and Appoint an Appraiser. Although the granting of this Order implicitly denied Defendant's Motion to Dismiss, the Order did not explicitly deny Defendant's Motion to Dismiss. Therefore, the Court enters this Order to clarify and confirm its ruling on that motion and to address the additional matters that were before the Court on October 8, 2025.

*NOT the surprise issue of "Heirs!"*

*NO*

During the hearing on October 8, 2025, the Court heard from Defendant on all outstanding issues, objections, and forms of relief she was seeking including allowing her to be reheard on Motion to Dismiss, as well as her Motion for Conspiracy, and Motion to for Trial. Upon the arguments of the parties, and specifically upon consideration of the prior Order of the Master in Equity granting summary judgment on Defendant's claims/counterclaims, the Court herein clarifies, finds and rules as follows: Defendant's Motion to Dismiss is DENIED; Defendant's Motion for Conspiracy is DENIED; and Defendant's Motion for Trial is DENIED.

*My Response to this horribly late release of a decision*

*Carolyn was never advised of any Determination of persons' status as Heirs. This matter was sprung on me at the end of the hearing almost in a whisper between Judge Rode and Atty. Ashley Andrews. I had no warning herein. Opposing Counsel and Judge Scarborough knew and still know that Cotenants to a property must assert actively ownership and not abandon a property or those who have legally "Claimed ownership," adverse, "to ownership and profit by any who abandons and does assert ownership. Further -*

*After a 10 yrs period exclusive of residency exclusive of other former owners and by Satisfying six(6) elements of Claim possession Title belongs to the Owner 05 10-18 20 plus yrs. *CS**

SC of Appeal

my Dec

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SC Court of Appeals

Copy of the final decision

I, C. T. S. Received this long awaited decision

On appeal in this matter is the following:

I, Carolyn Tolbert Smith, appeal the decision by judge Thomas Rode denying my "Motion" to, "Dismiss with Prejudice," CASE No. 2021 CP2004058 wherein Judge Mikell Scar

Improvidently granted my property at 338 Fifth Ave + 01/4th St, <sup>in Mt Pleasant</sup> To an estranged nephew, and Plaintiff & estranged Keith Tolbert whose Law Suit, Quiet Title & is Penders filed Sept 2018 is frivolous. And without merit fully known by judge Scarborough <sup>et al</sup> ~~and~~ as to the opposing Counsel.

I appeal on grounds that this judge failed to hear the Defendant Carolyn T Smith's counter claim at the hearing specifically to hear my side of the dispute but documented that he did hear my counter claim. Opposing Counsel held to and supported that until Atty' Ashley Andrews <sup>admitted</sup> ~~admitted~~ that the judge and his <sup>CO Conspirator</sup> ~~CO Con-~~

interior lied. I was denied, "Due Pro con." Judge Scar -

Called first for Carolyn's opposers to argue Summary judgment never allowing Carolyn's winning argument to be heard.

Finally the subject case } just like <sup>the</sup> this case reversed and Remanded by the SC Ct, 2003-2005<sup>th</sup> Pender v. Smith was as to a sound <sup>"DEED"</sup> Title of Dist which "Defeated" Quiet Title

at Reunion, her gonna straight to Summary judge and - worse by Shattering down the hearing

...

File  
To the Ct + Respond  
copy 7

The South Carolina Court of Appeals

Attention Jerry Abbott Esq. & Johnnie Clerk

Catherine S. Harrison, Chief Deputy Clerk

and Jasmine D. Smith, Deputy Clerk

02/19/2026

R

Re: The Initial Briefs and Designation of Matter

And, Appellant has been forced to search for sheets of paper that were chewed up by the copy machine that malfunctioned, spitting out repeated copies of the same sheets, causing a serious delay both on its way to Respondent, Atty' William Kalivas and others. I mailed the originals to the Ct. of Appeals as well as an Attachment

### Proof of Service

This is to certify that a copy of the foregoing is mailed via U.S. Postal Service to the following parties.

CC: Atty' William Kalivas

Atty' Ashley Andrews

Dr. Betty & T. Jones

Atty' Sara J. T. Letton once I'm given her address by the Ct.

Carolyn T. Smith  
338 Fifth Ave. + 0/4 St.  
Mt. Pleasant, SC 29464  
1-843-216-6960

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copy 21

# The South Carolina Court of Appeals

Attention Jenny Abbott, Clerk

Catherine S. Harrison, Chief Deputy Clerk

and Jasmine D. Smith, Deputy Clerk

02/19/2026

1. Re: Carolyn T. Smith's Requirement to supply the Court of Common Pleas at the clerk's office in Chas. Co., S.C. and to the Clerk, Ms. Julie Armstrong. She on her office supplies these Orders, so I, Carolyn T. Smith am mailing a copy of the Order as to the decision that I am appealing, which is The Honorable Thomas Rode's decision, denying me my "Motion" to Dismiss with Prejudice in Case NO. 2021 CP 10 04058, Order date, judge's name and reasons for his decision (faulty in my opinion) 12/15/25

2. Secondly, "It ent" to appeal mailed to Court of Common Pleas Clerk of Ct, Ms. Julie Armstrong and to Ct of Appeals 02/20/2026. I refuted by my objections to said decision. Further I know nothing about "Her status in this matter" this matter was not scheduled in my Oct 8, 2025 hearing. Atty Ashley Anderson's Confession finally that judge M.S. Scarborough never heard my Counter Claim to "Qwert Title". The Compromised the Truth. Ave' has asked pension as to Rule 20g

## Proof of Service

This is to certify that a copy of the foregoing is mailed via U.S. Postal Service to the following parties

cc: Atty. William Kalivas

Atty. Ashley Andrews

Dr. Betty J. T. Jones

Atty. Sara J. T. Latten

Carolyn To Smith

338 Fifth Ave. + <sup>D</sup> 1<sup>st</sup> St.

Mt. Pleasant, SC 29464

1-843-216-6966

The W. L. Smiths, Corporal  
338 Fifth Ave. & 0 1/2th St  
Mt. Pleasant, SC 29464

CERTIFIED MAIL



9589 0710 5270 3108 7196 97

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FEB 25 2026

SC Court of Appeals

Jenny Abbott Kitchings, Clerk  
Catherine S. Harrison Chief Deputy Clerk  
1220 Senate St  
Columbia, SC 29201

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\*Attn: C.S. Harrison Chief Deputy Clerk  
mailed &  
Sent about 2/18/26

2920139769 0076  
29201-376999

