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Charleston Common Pleas

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FEB 25 2026

SC Court of Appeals

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 12/15/2025*

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 day, 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

Keith L Tolbert  
PLAINTIFF(S)

Carolyn Tolbert Smith et al  
DEFENDANT(S)

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30 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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2  
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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-File, or who are appearing pro se. See Rule 77(d), SCRPC.

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 of 10+18 20 plus yrs. CAS*



To Court  
and "Respondent"  
copy 7

The South Carolina Court of Appeals

Attention Jerry Abbott, Esq., & Cheryl Clerk

Catherine S. Harrison, Chief Deputy Clerk

and Jasmine D. Smith, Deputy Clerk

02/19/2026

R

Re: The Initial Brief and Designation of Matter  
Aves, Appellant has been forced to search for sheets. Sheets  
of same chewed up by the copy machine that  
mal-functioned, spitting out repeated copies of  
the same sheets, causing a serious delay both  
on its way to Respondent, Atty William Kar-  
livas 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 Karivas

Atty Ashley Andrews

Dr. Betty J. Jones

Atty Sara J. T. Lott on E-mail given her address by the Ct.

Carolyn T. Smith  
338 Fifth Avenue <sup>05/19/14</sup> 6 St  
Mt. Pleasant, SC 29464  
1-843-216-6900

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copy 241

The South Carolina Court of Appeals  
Attention Jenny Abbott Esq. & Cherie 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, SC and to the clerk, Ms. Julie Armstrong. She on her office supplies these Orders. So T. 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 Order received
2. Secondly, "Intent" 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 knew 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. Scarborough never heard my Counterclaim to "Quiet Title". He compromised the Truth. Ave has asked permission as to Rule 20g.

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SC Court of Appeals

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 T. Smith

338 Fifth Ave + 0<sup>th</sup> St.

Mt. Pleasant, SC 29464

1-843-216-6960

The Corporal W. L. Smith  
338 Fifth Ave. & 0<sup>th</sup> St.  
Mt. Pleasant, SC 29464

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SC Court of Appeals

Jenny Abbott Kitchens, Clerk  
Gasmine D. Smith, Deputy Clerk  
Catherine S. Harrison Chief Deputy Clerk  
1220 Senate St.  
Columbia, SC 29201

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COLUMBIA, SC 290

\*AAn, Sr D. Smith, Deputy Clerk  
mailed about 2/22/26

Retail



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