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SC Court of Appeals

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CAPTION

The South Carolina Court of Appeals
From The Charleston Co. CV & Common Pleas
Judge C. Clyburn Pope, Circuit Ct. Judge

Ave Smith

Appellants,

v.

Heir of Helen Tolbert, — Charles Tolbert,
Sara Jo Tolbert Latten, Keith Tolbert, Betty
Jean Tolbert Jones and Carolyn Tolbert Smith
Respondents.

Ave Smith

338 Fifth Ave + ^{0' Sixth St.}

Mt. Pleasant, SC 29464

Ashley Andrew, Esquire

William Kalivas, Esquire

Pro Se

Dr. Betty J. T. Jones - Pro Se

Atty: Alwyn Te Silver

Ashley Andrews, Esquire

Please See Addresses and Tel. Nds. Attached

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Conclusion

Of → CASE No. 2025 000893

Attachment

The Record On Appeal

a 1. This is a Matter of a judge overstepping his
b authority to give property belonging to
c the Corporal W. Leroy Smith family to es-
d tranged non-Contributing former Coten-
* ant, heirs, "Equity Only Claimants" who abandon-
t ed the property nor ever asserted ownership
g herein. This property judge Mikell Scarbo-
h rough in, during an infamous S.C.A.M. hear-
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* judge in a U.S.A. Court of law did the unpre-
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Changed the name of the hearing to a place
where the purpose was to decide merit
of something. There with he had suddenly
just said to, "Cover up his, "Prosecutorial
mis-Conduct" of a one sided, upside-
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argument proved and still prove he "lied"!

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Message of Apologies

To The Honorable Court

And Appreciation For Assis-
tance

List

1 I apologize for scribbles on one and only the only item I or Carolyn hurriedly before making a copy or more. I've Capsulized the message(s) in those cases. Thank you very much.

To my Adversaries - Opposing Counsel

2 I conclude that he who filed, "Quiet Title has Perditions and those who have pursued this frivolous Law suit without merit according to Mr. Conrough's, "Why Would I need a Quiet Title Lawsuit" have tormented others severely. You've forgotten "The Golden Rule". Moreover you Conspirators, persecutors, oppressors, He warns us, saying, "Be ye not deceived; God is not mocked; you shall surely reap what you sow."

God bless you, Ashley Andrew, Esquire.

you are blessed by God and may encourage others to choose truth rather than ~~and~~ caught up in Satan's web. Perhaps the ~~(males)~~ males will now admit that Carolyn's Counterclaim was never heard, w. Kalivas. you substituted the infamous, "Dig-in-a-blanket", the, "Draft", this serves, I believe, those without the pride

Conclusion

Of → CASE No. 2025 000893

Attachment

The Record On Appeal Paper Copy

1. This is a Matter of a judge overstepping his authority to give property belonging to the Corporal W. Leroy Smith family to estranged non-contributing former cotenant, heirs, "Equity Only Claimants" who abandoned the property nor ever asserted ownership therein. This property judge Mikell Scarborough in, during an infamous S.C.A.M. hearing where he emphasised that Carolyn Toltbert Smith would counterclaim, "Quiet Title Lispedens but there and at this hearing he only heard Carolyn's opposing counsel. This judge in a U.S.A. Court of law did the unprecedented robbed Carolyn of "Due Process" her Constitutional and Civil Right. He then changed the name of the hearing to a place where the purpose was to decide merit of something. There with he had suddenly just said to, "Cover up his, "Prosecutorial mis-conduct" of a one sided, upside down hearing, with no discussion, no argument proved and still prove he "lied"!

Judges And Justices → To Justices at the SC Supreme

Court; Also to the judges in the SC Court of Appeals.

45 West 36th Street
New York, NY 10018
212.273.1620
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Working together to build a more just and equitable world

Yours truly,
Mmes cjs
Carolyn F. Smith
Dodes Precious
Widows

Exhibit

"Tzedek, tzedek tirdof — Justice, justice you shall pursue." Deuteronomy 16:20

Dear Ave-Marie,

The late Justice Ruth Bader Ginsburg had a poster with those famous words from the Torah hanging in her Supreme Court chamber — a reminder of the Jewish values that inspired her lifelong commitment to social justice.

Happy are those ... whose hope is in the Lord their God, who made heaven and earth ... who keeps faith forever; who executes justice for the oppressed; who gives food to the hungry.

— Psalm 146:5-7
The Corporal at Wle-roy Smiths alone gave cure all and all. We live at 338 Fifth Ave and 0' Sixth St. for 28 yrs, pd taxes, upkeep, cjs

to join a movement of Jewish global citizens that was founded these values into action. I am deeply proud to lead American Jewish organization dedicated to tikkun olam — the sacred Jewish en world.

g time for many of us in the Jewish community, our responsibility 38 years, AJWS has been working to defend human rights around mmense global challenges — from natural disasters and the climate persecution of oppressed minorities. We currently support over 500 to defend the rights of marginalized communities in Africa, Asia, Latin worth while! → So worthwhile

The suffering in our world is immense — and we too are not immune. But the hundreds of social change organizations AJWS supports depend on us so they can protect the communities that depend on them. They're facing grave obstacles, as despotic leaders mount increasingly brazen assaults on essential human rights ... as the climate crisis creates food shortages across the globe ... and as women fight for the basic right to make choices about their own bodies. At a time of immense global suffering, our brave grantees are counting on us to support their work for justice more than ever before.

Today, Ave-Marie, I urge you to join us in giving tzedakah for justice and joining our community of Jewish global citizens who are turning compassion into action every day. Surely, But First and al- We must follow NOT our human opinions! Follow Gods Statutes, guidance & ways of the precepts

Please send your generous gift today of \$18, \$36 or even \$72 in the envelope provided. If and Command you prefer to make your gift online, please visit www.ajws.org/values. ments of Messiah, y Holy God and cura

our grantees combat the devastating effects of the climate crisis and respond ger emergency. It will support their work to end violence against women, girls defend ethnic and religious minorities who face bigotry and oppression every ns and allies, we must not lose our belief in a more just and equitable world. ng in our commitment to building that world together. First things first! Gods de Coddle. Suppress their recruiting innocent youth

"To bring about change, you must not be afraid to take the first step."

ear of erratic weather has led to catastrophic crop failures, local activists are them job on Christian radio stations yanking Sissy Speech, publicizing (Over, please) the masculine names as feminine ones eg, "I'm Michelle or I'm Bra d& when they are Michael and Bra don, Hellist activities like this Kicks loving giving Savior to HELL! Stop it! ear

Part Acceptance Form

ment Dedicated to Putting Our Jewish Values into Action

I want to put my Jewish values into action and stand in thousands of activists fighting for justice in marginalized that's why I am joining the AJWS community and

God of Justice,
We pray for your justice
to rule in the hearts of
our leaders. May their
good works glorify you.
In Jesus' name,
Amen

For those who pray for Justice

God of Love,
We pray for your love to
rule in the hearts of our
leaders. May your love
cause them to defend
the cause of those who
struggle with hunger.
In Jesus' name,
Amen

For the needy voiceless

Index



International Fellowship
of Christians and Jews®

Bible-strength
Judgment

Carolyn

*Be strong and courageous. Do not be afraid or terrified
because of them, for the LORD your God goes with you;
he will never leave you nor forsake you.*

Deuteronomy 31:6

EMERGENCY UPDATE

Thousands in Israel in Imminent Danger

Please stop whatever you are doing to pray for Israel. She is surrounded by powerful enemies who want to destroy her, and now attacks from Iran have begun.

As we are preparing this message, Israel is in lockdown. Stores are shuttered. Roads are closed. Thousands of our people will spend the night in shelters. No one could

As the world holds its breath, The Fellowship is on the ground to provide thousands of emergency food boxes and survival kits to those in need. We're working to supply vulnerable communities with mobile bomb shelters, armored vehicles, and other emergency equipment.

ISRAEL NEEDS YOUR HELP NOW!

COPY

Parables invited listeners to lean in, reflect, and wrestle with what Jesus was really saying. For those with open hearts, these simple stories revealed deep spiritual truths. But for those who resisted, the meaning remained hidden.

Explore the Ultimate Parable Guide.

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Bible

Judgment

Where Is the Parable of the Persistent Widow in Scripture?

Principal Matter: That judges judge like God

The Parable of the Persistent Widow appears in Luke 18:1-8.

A Parable of the Persistent Widow Summary

Jesus told His disciples this story:

- There was a judge who showed no concern for God or people.
- A widow kept coming to him, asking for justice against someone who had taken advantage of her.
- The judge ignored her requests and refused to help.
- The widow didn't give up and kept coming back.
- Eventually, the judge gave in because he was tired of being bothered.
- He granted her justice not because he cared, but just to get her to stop.

Who's Who in the Parable?

Every parable contains people, objects, or animals to which Jesus gives spiritual meaning. This parable is no different. So before we explore what this parable means, we need to find out who and what each thing in this parable represents.

- **The uncaring judge represents injustice.** Despite his given authority to help anyone seeking justice, he doesn't use his position to readily help. Instead he represents what it feels like to be ignored or disregarded.
- **The persistent widow represents tenacity.** Despite her lowly position and the judge's uninterested response, she never stops asking for justice. She

I firmly believe that once this honorable Court is made aware and not left derelict ~~to~~ to the Criminal frame, lies and deception and excuses utilized by Judge Mitchell Scarborough to create what appears to be "right," but what is wrong unjust and is pure evil! Please follow the sequence of events that exposes this "Case" Scarborough prior case, No. 2021cp 10 04058. Please see how I Appellant am compelled to reference every ruthless act by that judge and his obvious co conspirators and their, "dark conspiracy," which ended in the unjust, wrong, evil, I'm providently gifting of property belonging only to the Corporal W. Wesley Smith's Widow and Warry Smith and home. Below please observe closely the truth by the "Facts". Truth find the "Facts," that prove judges in clear error for any "Decision" that dismissed my solid, they were blinded by the "Smoke Screens," of lies and deceptions and all that is irrelevant as are ^{is} Atty. Kallivas' use of the "Standard of Review" that has nothing to do with the Criminal, "Conspiracy," and "Sabotage" of the "Hearing," 2021 ~~24~~ 2022. Their CP10-0458. Deception herein = their referencings that hearing as a check for the Merit of Carolyn's claim of Title To Adverse Possession. This judge must, Prove Carolyn had "Input" but forgot to show her solid proof of sound Ouster Actual, Notorious open

you shall decide in favor of right good and justice

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JUSTIA

Order judgment +
Appellants' Refuta-
tion

Ave' 04/14/2026
Smith's case
is built on docu-
ment Justia - Fen-
der v. Heirs of
Smashum. I am a
complete cotenant of
20 plus years. Property
herein is mine and bro'

Heirs of Smashum

Principal matter:

Refuting judge M. Scarbo-
rough's egregious reckless
"Imprudently gifting my prop-
erty, Carolyn's and Warrick to
Charles Tolbert. Please see
breakdown attached

Sherwood N. Fender, Respondent,

v.

Heirs at Law of Roger Smashum, John Smashum and Arthur Smashum, if living or such heirs of them as may be living, Carolee H. Goodwine, Mae Olive Henderson, Audrey Polite Sawyer, Diana Cornish, Heirs of John Frasier, if living or such heirs of them as may be living, Bernadette Anderson, Eloise Gadson and all other persons unknown, having or claiming any right, title or estate or interest in or lien upon the real property described in the complaint herein, being designated collectively as John Doe and Sarah Roe, including all minors, persons in the armed forces, insane persons and all other persons under any other disability who might have or claim to have any right, title or interest in or lien upon the real property described in the complaint herein, Defendants,

Of whom Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs at law of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir at law of John Smashum, are Appellants.

Appeal From Beaufort County
Perry M. Buckner, Circuit Court Judge

Opinion No. 3639
Heard March 11, 2003 - Filed May 5, 2003

REVERSED and REMANDED

Derek C. Gilbert, of Beaufort, for Appellants.

Alysoun Meree Eversole, of Beaufort, for Respondent.

CURETON, J: Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir of John Smashum (collectively "Heirs"), appeal the circuit court's grant of summary judgment to Sherwood N. Fender in this quiet title action. We reverse and remand.

FACTS

The parties each claim title to a parcel of unimproved land. Each can trace their titles through a series of intestate and deed conveyances to two "Head of Family Land Certificates" granted by the United States District Tax Commission to Roger Smashum around 1867. Roger Smashum's interest eventually passed through intestacy to his son John Smashum and eventually to two of his grandsons, Arthur Smashum and Thomas Smashum.

Fender claims title through a November 1988 deed derived from a succession of conveyances from Arthur Smashum. In 1966, Arthur Smashum conveyed his interest in the property to Betty M. Sloan by quit-claim deed. Sloan conveyed the property back to Arthur in 1969 by quit-claim deed. In 1983, Arthur conveyed the property to himself and Charlie Mae Brantley as joint tenants with the right of survivorship. Arthur died in 1984 and in 1988 Charlie Mae conveyed the property to W. Thomas Parker and Fender by warranty deed. [1]

Henrietta Jones, Sarah Shepard and Lucy Smith, claim a tenancy-in-common with Fender as heirs of Thomas Smashum. Queen Smashum claims a one-eighth tenancy in common interest with Fender through a 1999 quit-claim deed from Adam Smashum, an heir of Thomas Smashum.

In December 1999, Fender initiated the present action seeking to quiet title to the property. He asserted the absence of estate or administrative proceedings related to the estates of Roger Smashum, John Smashum, and Arthur Smashum left a cloud over his title. In his complaint, Fender alleges the interest of a business associate and his was adverse to all others. His complaint states:

That possession of the property which is the subject of this cause of action has been in actual, open, notorious and exclusive possession of [Fender and a business associate]

under claim of title and that there has been such continued occupation and possession of the premises for over ten (10) years.

Queen Smashum answered on behalf of herself and the heirs of Thomas Smashum in May 2000, and counterclaimed to quiet title to the property in the name of the Heirs. The Heirs claimed Queen Smashum, Henrietta Jones, Sarah Shepard, and Lucy Smith each owned an undivided one-eighth interest in the property.

In June 2001, Fender made a motion for summary judgment. The circuit court conducted a hearing on Fender's motion the following month. In its order issued in August 2000, the court granted summary judgment to Fender. This appeal follows.

STANDARD OF REVIEW

Skipped by said judge or Carolyn would prevail

Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). When determining whether any triable issue of fact exists, the evidence and all inferences, which can reasonably be drawn from it, must be viewed in the light most favorable to the nonmoving party. Faile v. S.C. Dep't of Juvenile Justice, 350 S.C. 315, 324, 566 S.E.2d 536, 540 (2002). If triable issues exist, those issues must be submitted to the jury. Young v. S.C. Dep't of Corrections, 333 S.C. 714, 718, 511 S.E.2d 413, 415 (Ct. App. 1999). Even where no dispute as to evidentiary facts exists, but only as to the conclusions or inferences to be drawn from them, summary judgment should not be granted. Hall v. Fedor, 349 S.C. 169, 173-74, 561 S.E.2d 654, 656 (Ct. App. 2002). Moreover, summary judgment is a drastic remedy that should be cautiously invoked to ensure no person is improperly deprived of a trial of disputed factual issues. Lanham v. Blue Cross & Blue Shield of S.C., 349 S.C. 356, 363, 563 S.E.2d 331, 334 (2002).

LAW/ANALYSIS

The Heirs argue the circuit court erred in finding Fender acquired title to the subject property through adverse possession. We agree.

As an initial matter, the Heirs assert the circuit court erred in failing to find that they are co-tenants in the subject property with Fender. The Heirs cite 86 C.J.S. Tenancy In Common § 8 (1997) for the proposition that upon the intestate death of John Smashum and his wife, his two surviving children, Arthur Smashum and Thomas Smashum owned the property as tenants in common. They further argue that any grantees of Arthur necessarily owned a proportional interest in the property as tenants in common with them as heirs of Thomas Smashum. While acknowledging that Arthur and Thomas were

cotenants, Fender asserts the cotenancy came to an end when Arthur conveyed the property to a stranger, reacquired title to the property, and thereafter conveyed the property by warranty deed to himself and Charlie Mae Brantley. [2] He further refers to the deposition testimony of Queen Smashum that prior to the death of Arthur Smashum in 1985, she obtained permission from him for her and her husband Adam to plant a garden on the property.

As stated in the case of *Andrews v. McDade*, 201 S.C. 24, 28-29, 21 S.E.2d 202, 204 (1942):

As to real property, the general rule is that where the state has passed a perfect legal title, the doctrine of abandonment is not applicable thereto, and that the title vested in the grantee cannot be affected or transferred by his act in departing from the land and leaving it unoccupied, or otherwise ceasing to exercise dominion over it

At common law, while an incorporeal hereditament may be lost by abandonment, the principle is firmly established that perfect legal title to a corporeal hereditament cannot be abandoned, or lost by abandonment, operating alone, and dissociated from other acts or circumstances; and so it is frequently said that so far as land is concerned, there can be an abandonment only in a case where the title is imperfect, or less than absolute. The doctrine of abandonment has, therefore, no application to a fee simple; but inchoate rights and equitable rights in land may be abandoned, and so may mere possessory rights, and rights acquired by user

Although technically a fee simple title holder may not by nonuse abandon his title, his nonuse and failure to assert his title to the property may constitute an important circumstance in a determination of whether another has held the property adversely to the title holder. As clarified at oral argument, Fender does not claim he ousted the Heirs, but rather claims his predecessors in title ousted the Heirs. Thus, he reasons he is not a cotenant with the Heirs and thus need only prove adverse possession for ten years prior to the date of the commencement of this action. We first examine whether Fender's predecessors in title ousted the Heirs.

“Ouster” is the actual turning out or keeping excluded a party entitled to possession of any real property. *Grant v. Grant*, 288 S.C. 86, 340 S.E.2d 791 (Ct. App. 1986). . . . Actual ouster of a tenant in common by a cotenant in possession occurs when the possession is attended with such circumstances as to evince a claim of exclusive right and title and a denial of the right of the other tenants to participate in the profits. *Woods v. Bivens*, 292 S.C. 76, 354 S.E.2d 909 (1987); *Brevard v. Fortune*, 221 S.C. 117, 69 S.E.2d 355 (1952). The acts relied upon to establish an ouster must be of an unequivocal nature, and so distinctly

1 hostile to the rights of the other cotenants that the intention to disseize is clear and
 2 unmistakable. Felder, 278 S.C. at 330, 295 S.E.2d at 642. Only in rare, extreme cases will
 3 the ouster by one cotenant of other cotenants be implied from exclusive possession and
 4 dealings with the property, such as collection of rents and improvement of the property.
 5 Id., 278 S.C. at 331, 295 S.E.2d at 642.

6 Freeman v. Freeman, 323 S.C. 95, 99-100, 473 S.E.2d 467, 470 (Ct. App. 1996). "Ouster is
 7 presumed from possession only if it is continued for a period of twenty years. Title by ten
 8 years' adverse possession by a cotenant against another may be acquired only after actual
 9 ouster of which the latter has notice, or should have in the exercise of a reasonable
 10 diligence and vigilance." Watson v. Little, 224 S.C. 359, 364, 79 S.E.2d 384, 387 (1953).

We conclude the conveyance from Arthur to Betty Sloan by quit-claim deed in 1966; the reconveyance by Sloan to Arthur in 1969; the conveyance to himself and Charlie Mae Brantley as joint tenants in 1983, and the conveyance by Brantley [3] to Fender and W. Thomas Parker by a purported warranty deed in 1988, together with the fact Queen Smashum obtained Arthur's permission to plant a garden on the property are insufficient by themselves to establish that the Heirs were ousted. "In the absence of authorization or ratification, any attempted conveyance of the common property by one cotenant is not binding upon his cotenants, and operates to pass title to nothing more than the seller's own interest." 20 Am. Jur. 2d Cotenancy and Joint Ownership § 106 (1995). We recognize that these conveyances are some evidence of ouster and should not be ignored [4] for possession under such deeds and the assertion of exclusive and unequivocal ownership in time could ripen into title by adverse possession. Nevertheless, Arthur did not enter into possession under such a deed. Moreover, his transfer to Betty Sloan in 1966 and her reconveyance to him in 1969 were by quit-claim deeds which gives rise to the inference Arthur realized he may have had less than a good legal title. [5] In addition, we find that
 26 Fender did not present evidence regarding the character of Arthur=s possession or that
 27 Arthur took actions to exclude the Heirs from the property or asserted exclusive ownership
 28 over the land. Likewise, there is no evidence of the character of Charlie Mae=s possession
 29 of the property.

30 3 0 We conclude, therefore, that a question of fact exists whether Fender established the Heirs were ousted of their interest in the property by Arthur or Charlie Mae. We further conclude that under the posture of the record in this case, Fender and the Heirs are cotenants in the property. Therefore, Fender must show that his actions toward the property amounted to an ouster of the Heirs before he can establish title by adverse possession.

There are well-established principles applicable to cotenancy, which control the controversy A cotenant has the right, in common with his cotenants, to the possession of the property owned in common, so ordinarily the possession by one cotenant is the possession of all. The latter ceases when the exclusive possession of a cotenant becomes adverse to the right of possession by the other cotenant or cotenants; but the hostile character of the possession must be such as to amount to an ouster of the other cotenant or cotenants and must be clearly and unmistakably established by the evidence. While the possessor need not give express notice of the hostility of his possession to the other or others, the nature of it must be brought home, as it has been said, to the other owner or owners.

Watson, 224 S.C. at 365, 79 S.E.2d at 387. One claiming title to land by adverse possession has the burden of proving adverse possession by clear and convincing evidence. *Lusk v. Callaham*, 287 S.C. 459, 460, 339 S.E.2d 156, 157 (Ct. App. 1986).

The circuit court makes no reference to ouster in its order, but analyzes Fender's claim of title based solely on an adverse possession analysis. In fact, as we understand Fender's claim, he does not claim title to the property pursuant to ouster of the heirs, but rather based solely on adverse possession. Inasmuch as ouster is a prerequisite to a cotenant claiming title by adverse possession, we will analyze Fender's evidence to determine whether a question of fact exists as to whether Fender met this prerequisite.

The circuit court found the ten-year statutory period began with the November 14, 1988 deed to Fender and Parker, and ended in November 1998. In finding adverse possession, the court relied on: 1) the receipt by Fender of a warranty deed dated November 14, 1988; 2) the paying of property taxes for the statutory period of ten years; 3) the assertion of title by the giving and receiving of fractional interests through successive conveyances by warranty deeds during the statutory period; and 4) the erection of no trespassing signs on the property during the statutory period. The trial court also presumed Adam and Queen Smashum's previous use of the property was merely permissive, based on Queen's statement that Arthur gave her "the privilege" to plant a garden on the property before his 1984 death. While Fender's affidavit states he and his co-owner "exercised ownership rights ...by tending and maintaining the property," the affidavit does not indicate how, nor does the circuit court place any significance to this statement.

We find the actions cited by the circuit court do not as a matter of law establish ouster and consequently do not show Fender obtained title to the property by adverse possession. Fender's proof is not clear and unequivocal that he exercised "hostile, open, actual, notorious and exclusive" possession of the tract throughout the ten-year period. The fact

that Fender placed “No Trespassing” signs on the property, without more, cannot be shown to be adverse to the rights of the other co-tenants. Especially in the light of the deposition testimony of Queen Smashum that she visited the property in recent years and did not see the “No Trespassing” signs allegedly posted by Fender. See *Felder v. Fleming*, 278 S.C. 327, 330, 295 S.E.2d 640, 642 (1982) and *Horne v. Cox*, 237 S.C. 41, 44-45, 115 S.E.2d 513, 515 (1960) (Possession of one tenant in common is the possession of all and, for one tenant to establish title against a cotenant by adverse possession, he must overcome the strong presumption that he holds possession in recognition of the cotenancy.) In addition, the fact that Fender paid the taxes does not constitute ouster. See *Watson*, 224 S.C. at 368, 79 S.E.2d at 387 (payment of taxes by a cotenant ordinarily entitles him only to a proportionate contribution from the other cotenants). The circuit court erred in finding that Fender established title by adverse possession to the subject property.

For the forgoing reasons, the circuit court’s summary judgment order is reversed and the case remanded to the circuit court for proceedings consistent with this decision.

REVERSED AND REMANDED. [6]

STILWELL and HOWARD, JJ, concur.

[1] In February 1990, Parker and Fender conveyed their interests to Fender, Parker-Matthews Investors, Inc., and Mary Hudson Feltner. Feltner conveyed her interest to Fender in 1993.

[2] Fender cites 20 Am. Jur. 2d Cotenancy and Joint Ownership, Section 31 for the proposition that “a tenancy in common will come to an end upon forfeiture or abandonment of the common property, upon its conveyance, voluntary or otherwise, to a stranger, or upon the definite ouster by the cotenant of his fellows.”

[3] Arthur died in 1985.

[4] These conveyances arguably constitute color of title under our adverse possession statutes. *Woods v. Bivens*, 292 S.C. 76, 78-79, 354 S.E.2d 909, 911 (1987).

[5] According to Fender, he had actual notice of these deeds.

[6] Because we reverse on this issue, we do not address Smashum’s other issues on appeal.

Some case metadata and case summaries were written with the help of AI, which can produce inaccuracies. You should read the full case before relying on it for legal research purposes.

Index

Order Judgment

Principal Matter: None Contributors

Not any Respondent Contributed a cent to the Respondents' Interrogatories Show No "giving".

inheritance they are being offered by Judge M. Scarborough only means by which to do this unlawful thing is by a "miscarriage of justice" which the judge is guilty.

See, please, Case law that declares my lawful ownership of the subject home and grounds where I, Ave, Appellant, have resided consistently and exclusively of all other Respondents now, for twenty, plus yrs. See Case law as follows:

1 Bible First: God has said, "If you do not work, you do not eat."

2 Abandonment - Please see pg. 3, of Justia - Fender v. Smashum's Plines 1-5

Principal - Abandonment.

3 "Eject" - Also see pg. 3, last paragraph Grant v. Grant, 288 S.C. 86, 340 S.E. 2d 791 (Ct. App. 1986). The possession has been attended with such circumstances as to, "Evince," a claim of exclusive rights and title and a denial of the right of the other tenants to participate in the profits. Woods v. Bivens, 292 S.C. 76, 354 S.E. 2d 909 (1987), Brevard v. Fortune, 221 S.C. 117, 69 S.E. 2d 355 (1952). It is unequivocal. We've taken away rooms before reserved for them

→ their → Interrogatories they all alike. There no contributions. As to all Respondents' "Interrogatories", their responses are the same - Response, "Not at this time." Never Charles Assists.

The three Cotenants Smith Ave, Warry, and Suspended Carolyn, former Primary before judge M. Scarborough, Atty. W. Kalivas and Attorney A. Andrew and M. Dinwoodie Wezeled her lawful position away from her and gifted said to Charles Tolbert who had no "standing" herein and still has no standing here. The only one with "standing" and Worth with vested interest herein a legacy to mother and daddy, D'An ma's and D'An Pa'

CABE LAW → See pg. 4 on "Justice" Fender v. Smashum R.P. lines 1-5, Felder, 278 S.C. at 330, 295 S.E. 2d at 642 = line 2 - line 5, Id, 278 S.C. at 331, 295 S.E. 2d at 642 R.P. lines 6-10 especially 8, 9, 10.

Also see, please last para. line #30 "The question of fact exists?" judge M. Scarborough never bothered to hear the enormous load of, "Genuine issues as to material facts," that existed in Carolyn's case and still exists. Hearing said facts he "KNEW," would have Carolyn prevail. So he overstepped his bounds! He

Orchestrated a faulty, foul and reprehensible plan barring Carolyn and her atty. from testifying and from their counterclaim argument against a completely frivolous lawsuit claiming with "obstructions of justice" "mis-carriage of justice," Felony Conspiracy with, "Intent and Sabotage," of the hearing, he scheduled for Carolyn's counterclaim. He invited Carolyn's atty to his "Conspiracy Conference," convinced her that Carolyn's claim of Title To Adverse Possession could not win, could not prove, "Doubt" she told Carolyn; he, they with this judge, "Drafted" a substitute Carolyn's atty. agreed to without Carolyn's consent. Say -

Saying that Carolyn agreed in this judge's attempt to cover cover his 'unethical' and 'obstructive,' behavior consistent with seasons irresponsibility accepted by too many who just 'took the other way,' don't bother.

May all of review this or these two cases the first case Compelling the second to enter a battle against the devastating, adverse, impact the first illegalities in the first have brought to bare on my case the second case No. 2025000893.

Please see now pg. "6" Sometimes on pg "7", midway the pg. to you'll find that the Circuit Court in another SC County erred in its Summary Judgment Order. So the SC Appeal Court Reversed and Remanded the Quiet Title Case back down to the Circuit Court

As to me and me case for Title To Adverse Possession by SC law, I easily satisfy the six (6) elements to be satisfied for my claim of "Title To Adverse Possession" Please see my proof attached.

Index

Transcript

Pleading

Principal Matter:

It is, teaching judge Scarborough that one of our opposers, with a conscience, has admitted ~~to~~ We know Livorous that Carolyn neither her atty. Counterclaimed "Quiet Title", Lis Pendens

This judge had Carolyn's atty., Melena Dirwood enjoin ~~and~~ him and opposing counsel & placed her in a gauntlet i.e. between a brick and a hard, hard place. All "Coconspirators Signed giving, each, his consent to 'throw', 'sabotage', Carolyn's opportunity to argue counterclaiming "Quiet Title" and claimant "Title To Adverse Possession". This judge frightened Carolyn's atty., in essence, could not win. He favored and was partial to Carolyn's opposing lawyer. The consent was also to have this judge remain on the case for the duration what else could she have done? Hated her look locked in. - The judge recused himself too late. Ma's atty left the firm w. Kalivas is with a different firm

Orophans; fatherless children and widows we must care for in special ways

W. Kalivas' message on Transcript pg 8 lines 1-25 suggests that he doesn't know that the subject property is lawfully the Smiths' legally and lawfully

SC District For SC

Index

Pleading

Principal Matter - Carolyn Denied Injunction
The District Court For the Dist of S.C. refused Carolyn Injunctive Relief Preliminary and Permanent though she qualified under one of three (3) exceptions. She is and was eligible under "The Civil Rights Act" (42 U.S.C. § 1983) Section 205 of the Emergency Price Control Act of 1942 (EPCA) The Private Securities Litigation Reform Act (PSLRA) (15 U.S.C. § 77z-1(a)(3)), And The National Environmental Policy Act (NEPA) (42 U.S.C. § 4332). I believe that Justice Molly Chaoery, upon hearing me with response said that she could overturn Carolyn's CASE No. 2021CP1004058 but that she would not. Baffling! What prevent Justice? Fear of mankind? But God has not given any a spirit of "Fear," but of "Power," and Love. May we distinguish ourselves as wonderfully, godly different.

sent differently
Cover with char. co seal

Second loathsome Conferencz
omitting me

Index

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-04058

Keith L. Tolbert *Carolyn did not*
Plaintiff, *Consent to this. She*
's totally against this
vs. *Judge Scarborough arrang-*
ed this for Charles
Carolyn Tolbert Smith, Charles Tolbert, Betty
Jean Tolbert Jones, Sara Jo Tolbert Latten,
and Estate of Charla Tolbert McMillian,
Defendants.

Loathsome!
Plaintiff Omitted
Why? I would have never
consented to this judge's
franklin
against myself
so he substituted
my Atty
CONSENT ORDER
TO QUIET TITLE
Fowl!
My attorney did not
have my consent!
Scarborough as judge cannot be
trusted as

On T. Smith's This matter came before the Court for a Status Conference on June 29, 2022 before the
Attorney *never in-* Honorable Mikell R. Scarborough. At the conference, William K. Kalivas appeared on behalf of the
formed me Plaintiff, *she hid this!* Malena A. Dinwoodie appeared on behalf of Defendant Carolyn Tolbert Smith, and Ashley
peaking G. Andrews appeared on behalf of Charles Tolbert and the Estate of Charla Tolbert McMillian. Upon
in my behalf *without my knowledge, agreement or consent* *Consent*
I am the- *to what?! Quiet Title?! I would never con-*
roughly *sent to such Fowl a matter!* *cs*
writ by her considering the record and with the consent of counsel, the Court hereby accepts the parties'
'consent on agreement and quiets title on the parties' respective interests in the properties at issue in this case, as
my behalf set forth below. However, said agreement is subject to and contingent upon Defendant Carolyn
ne threw Tolbert Smith's pending Adverse Possession claim for sole ownership of the properties, which is
under the currently scheduled for a hearing on September 21, 2022 starting at 11:00 AM.
us," herein

FINDINGS OF FACT

1. The real property which is the subject of this lawsuit is located in Charleston County, South Carolina, and shall be referred to in this Order as the "Property," and is more fully described in Exhibit A, attached hereto and incorporated herein by reference.
2. The Plaintiff and the Defendants are descendants of Fred William Tolbert and Helen Alice Grant Tolbert.

04/08/26

Deceptions
Lies

Illegal Schemes by
Judge Scarborough

"Sabotage" of Hearing

"Conspiracy"

Absence of

Ashley Andrews Admits

Judge Guilt - No Counter



Charleston Common Pleas

Case Caption: Keith L Tolbert VS Carolyn Tolbert Smith , defendant, et al

Case Number: 2021CP1004058

Type: Order/Summary Judgment

So Ordered

s/Mikell R. Scarborough 3062

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Keith L. Tolbert

Plaintiff,

vs.

Carolyn Tolbert Smith, Charles Tolbert, Betty
Jean Tolbert Jones, Sara Jo Tolbert Latten,
and Estate of Charla Tolbert McMillian,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-04058

**ORDER GRANTING
SUMMARY JUDGMENT**

This matter came before me on Defendant Charles Tolbert's Motion for Summary Judgment as to Defendant Carolyn Tolbert Smith's counterclaim for adverse possession. Defendant Charles Tolbert's motion was filed on behalf of Mr. Tolbert individually and also as Personal Representative of the Estate of Charla Tolbert McMillian.

A hearing on the motion was held before me on September 21, 2022. Plaintiff Keith L. Tolbert was present with his attorney, William K. Kalivas. Defendant Carolyn Tolbert Smith was present with her attorney, Malena A. Dinwoodie. Defendant Charles Tolbert, both individually and as Personal Representative of the Estate of Charla Tolbert McMillian, was present with his attorney, Ashley G. Andrews. Defendant Betty Jean Tolbert Jones was present but was not represented by counsel. Defendant Sara Jo Tolbert was not present, however she was represented by her Guardian *ad Litem* and attorney, Taylor Silver, who was present.

The within action involves two adjacent parcels of real property located in Charleston County, South Carolina. The first parcel, referred to as Property 1 in the Complaint, is commonly known as 338 5th Avenue, Mt. Pleasant, South Carolina. The second parcel, referred to as Property

2 in the Complaint, is a vacant lot located at the corner of 5th Avenue and 6th Street, Mt. Pleasant, South Carolina.

Plaintiff brought this action seeking to quiet title to the property and to partition the property. A consent Order to Quiet Title was filed on August 15, 2022 (the "Consent Order"). The Consent Order confirmed title to both Property 1 and Property 2 as follows: Keith L. Tolbert a 20% interest, Carolyn Tolbert Smith a 20% interest, Charles Tolbert a 10% interest, Betty Jean Tolbert Jones a 20% interest, Sara Jo Tolbert Latten a 20% interest, and the Estate of Charla Tolbert McMillian a 10% interest. Thereafter, a Deed of Distribution conveying the interests of the Estate of Charla Tolbert McMillian to Charles Tolbert was recorded in the ROD Office for Charleston County on August 18, 2022 in Book 1132, Page 072.

In the Consent Order, Defendant Carolyn Tolbert Smith reserved her right to have her counterclaim for adverse possession heard at a hearing scheduled for September 21, 2022.

After considering the memoranda, documents, and arguments of counsel, this Court hereby GRANTS the Motion for Summary Judgment as to Defendant Carolyn Tolbert Smith's counterclaim for adverse possession.

FINDING OF FACTS

At the time of her death on December 25, 2003, Helen Alice Grant Tolbert owned a 75% undivided interest in Property 1 and was the sole owner Property 2. Helen Alice Grant Tolbert also resided in the home located on Property 1 as evidenced by her Certificate of Death.

Helen Alice Grant Tolbert's estate was probated in Charleston County, South Carolina as Probate File No. 2010-ES-10-01356 (the "Estate").

Defendant Carolyn Tolbert Smith was duly appointed and served as Personal Representative of the Estate both in the Estate's initial administration and a subsequent administration.

As Personal Representative, Defendant Smith executed several Deeds of Distribution including a corrective Deed of Distribution dated January 17, 2013 and recorded in the RMC Office for Charleston County on January 25, 2013 in Book 0306, Page 283.

LEGAL ANALYSIS

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder." *George v. Fabri*, 345 S.C. 440, 452, 548 S.E. 2d 868, 874 (2001). Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Fleming v. Rose*, 350 S.C. 488, 493, 567 S.E.2d 875, 860 (2002). Nonetheless, when determining whether any triable issue of fact exists, the evidence and all inferences, which can reasonably be drawn from it, must be viewed in the light most favorable to the nonmoving party. See *Faile v. S.C. Dep't of Juvenile Justice*, 350 S.C. 315, 566 S.E.2d 536 (2002).

DISCUSSION

Keith L. Tolbert, Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, and Sara Jo Tolbert Latten are tenants in common having inherited Property 1 and Property 2 through the Estates of Fred William Tolbert and Helen Alice Grant Tolbert. When a claim for adverse possession is made by a cotenant against another cotenant the party claiming adverse possession must prove all of the elements of adverse possession, namely that the party claiming adverse possession has possessed the property for a period of ten (10) years and that such possession has been actual, open, notorious, exclusive and hostile. In addition, the party claiming adverse

possession must also establish that the cotenants have been ousted from the property. See *Fender v. Heirs at Law of Smashum*, 354 S.C. 504, 581 S.E.2d 853 (Ct.App. 2003). This is based, in part, on principals applicable to cotenancy. “A cotenant has the right, in common with his cotenants, to the possession of the property owned in common, so ordinarily the possession of one cotenant is the possession of all. The latter ceases when the exclusive possession of a cotenant becomes adverse to the right of possession by the other cotenant or cotenants; but the hostile character of the possession must be such as to amount to an ouster of the other cotenant or cotenants and must be clearly and unmistakably established by the evidence.” *Watson v. Little*, 224 S.C. 359, 364, 79 S.E.2d 384, 387.

Ouster is the actual turning out or keeping excluded a party entitled to possession of any real property. See *Grant v. Grant*, 288 S.C. 86, 340 S.E.2d 791 (Ct.App. 1986). “Only in rare, extreme cases will the ouster of one cotenant of other cotenants be implied from exclusive possession and dealing with the property, such as collection of rents and improvements to the property.” *Felder v. Fleming*, 323 S.C. 95, 473 S.E.2d 467 (Ct.App. 1996).

The conduct and nature of the possessor’s exclusive adverse possession must be sufficiently clear to “bring it home” to the other cotenants. See *Watson v. Little*. Possession with the permission of the cotenants does not meet the requirements of ouster. Ouster may be presumed by possession only if possession is continued for a period of twenty years. See *Freeman v. Freeman*, 323 S.C. 95, 743 S.E.2d 467.

CONCLUSION

Even when viewing the evidence and all inferences, which can reasonably be drawn from the evidence, in the light most favorable to Defendant Smith, it appears that there is no issue of material fact as to Defendant Smith’s possession of the subject properties. It is clear that her possession of the subject properties has not been exclusive for more than twenty (20) years. Her

mother, Helen Alice Grant Tolbert resided at 338 5th Avenue and owned an interest in both Property 1 and Property 2 until her death on December 25, 2003. Further, Defendant Smith, as Personal Representative of the Estate of Helen Alice Grant Tolbert, executed a corrective Deed of Distribution on January 17, 2013 confirming title in her name and in the names of the other parties to the within action. The execution of the 2013 Corrective Deed of Distribution defeats a claim of ouster, which is a necessary element to Defendant's counterclaim for adverse possession. There is no genuine issue as to any material fact and Defendant Charles Tolbert is entitled to judgment as a matter of law.

IT IS THEREFORE, ORDERED that Defendant Charles Tolbert's Motion for Summary Judgment as to Defendant Carolyn Tolbert Smith's counterclaim for adverse possession is granted.

IT IS FURTHER ORDERED that this court shall retain jurisdiction over the partition action which is still pending.

IT IS SO ORDERED!

1

Smashum Report

In the SC Supreme Ct *The Smashums won Counterclaiming Quiet Title*
No. FENDER v. Of whom Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs at law
in the SC Court of Appeals
of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir at law of

Index
John Smashum, are Appellants. (2003)

Court of Appeals of South Carolina.

Sherwood N. FENDER, Respondent, v. HEIRS AT LAW OF Roger SMASHUM, John Smashum and Arthur Smashum, if living or such heirs of them as may be living, Carolee H. Goodwine, Mae Olive Henderson, Audrey Polite Sawyer, Diana Cornish, Heirs of John Frasier, if living or such heirs of them as may be living, Bernadette Anderson, Eloise Gadson and all other persons unknown, having or claiming any right, title or estate or interest in or lien upon the real property described in the complaint herein, being designated collectively as John Doe and Sarah Roe, including all minors, persons in the armed forces, insane persons and all other persons under any other disability who might have or claim to have any right, title or interest in or lien upon the real property described in the complaint herein, Defendants, Of whom Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs at law of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir at law of John Smashum, are Appellants.

Search further Queen Smashum Counter claim to Quiet Title or counter claims to Quiet Title. Got it.

No. 3639.

Heard March 11, 2003. ✓

Decided May 5, 2003. ✓

Rehearing Denied June 26, 2003.

Derek C. Gilbert, of Beaufort, for Appellants. Alysoun Meree Eversole, of Beaufort, for Respondent.

Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir of John Smashum (collectively "Heirs"), appeal the circuit court's grant of summary judgment to Sherwood N. Fender in this quiet title action. We reverse and remand.

Quiet Title case

Quiet Title (Title) is Dead-In-The-Water

FACTS

The parties each claim title to a parcel of unimproved land. Each can trace their titles through a series of intestate and deed conveyances to two "Head of Family Land Certificates" granted by the United States District Tax Commission to Roger Smashum (collectively "Certificates"). Defeated by Deed Distribution, leaving no content to follow then findings in ..."

Copy
7/1/03
Two (2) Copies here

File
Mine



Per Motion Return
TO the motion

I
Personal
Representative
Matter

File

SEARCH RESULTS FOR PROPERTY INFORMATION

30 00

RETURN SALES TAX INFO ADDITIONAL PROPERTY INFO PRINT

Property Information

Current Owner: SMITH CAROLYN TOLBERT
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

Appointed Representative for my mother Mrs. HB To Estate

Property ID: 5141100064
Physical Address: 6TH ST
Property Class: 905 - VAC-RES-LOT
Plat Book/Page: 1
Neighborhood: 301801 TH01 Remley's Point
Deed Acres: 0.0000

I never relinquished ownership.
Was it law(s) that changed things. I
would distribute the inheritance in a
godly manner guided by the seat of judgment
God the Father, Almighty.

Also only the
dwelling is the subject herein

Legal Description
Subdivision Name -SCANLONVILLE Description -LT 327 Site Name -COR FIFTH AVE
PlatSuffix D-180 PolTwp 001

Sales History

After 10
yrs. filed
no court
contest by
law

Book	Page	Date	Grantor	Grantee	Type	Deed	Deed Price
0933	418	6/22/2015	SMITH CAROLYN TOLBERT	SMITH CAROLYN TOLBERT	S	Ad	\$0
0209	303	12/25/2003	TOLBERT HELEN G	SMITH CAROLYN TOLBERT	S	Ad	\$0
H119	107	5/24/1979	AYERS HOLLIS A	TOLBERT HELEN G		Ca	\$3,500
P092	018	1/1/1969		AYERS HOLLIS A		Ca	\$0

Critical

RETURN SALES TAX INFO ADDITIONAL PROPERTY INFO PRINT

TO the Dining Rm

SMOKING GUN!

5. Based in retruths they needed to grant Charles Sum

Many judgment in the circuit court, Atty Andrews presented to the court the falsehood CONCLUSIONS OF LAW that I, Carolyn Tolbert Smith ~~executed~~ ^{executed} a new Deed of Dist^r per Charles' ~~undivided interest as tenants in common in and to the Property:~~ ^{Only as provided by the abandoned Will.} Fee simple absolute title in and to all of the Property should be quieted and confirmed to be owned by the following, in the percentages listed by his or her name, who each own an ~~undivided interest as tenants in common in and to the Property:~~ ^{Only as provided by the abandoned Will.}

drastic Quiet title Claims, I gave to the Appellate court documents that supported my innocence and proved that Respondents at the time Dependants executed said Deed(s) of Dist^r!

Name	Ownership Interest
Keith L. Tolbert	20%
Carolyn Tolbert Smith	20%
Charles Tolbert	10%
Betty Jean Tolbert Jones	20%
Sara Jo Tolbert Latten	20%
Estate of Charla Tolbert McMillian	10%

where is Charla?

THEREFORE, IT IS ORDERED that each party shall have the percentage interest in the properties as indicated in Exhibit A, as tenants in common, in fee-simple, free and clear of all claims to the properties, absolutely and forever.

IT IS FURTHER ORDERED that this Order shall be amended and/or withdrawn, as necessary, pending the outcome of Defendant Carolyn Tolbert Smith's adverse possession claim.

an egregious injustice; a sound travesty of justice. How indubitably did judge Scarborough change our property fee simple to absolute? no explanation!

Malverne Mullins King St

Attorney's Verdict here 04/04/2023 Plaintiff prevails

To: The SC Court of Appeals

Carolyn Tolbert Smith adds to my already paid motion To Reinstate Case No: 2022 001815. And hereby having just learned about my attorney's Consent to Quiet Title as ordered by judge Mike/Scarbo-

Said estate is meant to be preserved for generations. Said estate to be preserved. Said Consent Order goes completely against the Will of the decedent and against my Will. I am the Representative of

Copy 2

Index
Exhibit

From: Circuit to Supreme Ct

06/05/2023

To: The U.S. Supreme Court also The U.S. Congress, et al.
Burning Desperation!

Carolyn Tolbert Smith
338 Fifth Ave.
Mt. Pleasant, SC 29464

Re: My Complaint which ^{is} of unethical behavior, possible conspiracy, leading to what I deem @ corruption and gregarious travesty of justice. Not to bore or overwhelm you, I've mailed examples of what I find worthy of critical investigation. So, sadly on my part and regrettably altogether, I come hoping that you will agree that this matter i.e. Case 2021 CP 10 04058 render judge Mikell ^{Scarborough} as the presiding judge, be set aside; that you will honor my deep desire to have this matter go before a jury for trial with all different Counsel, hopefully of fine integrity and another judge.

Yours truly,
Mone C. Smith
Carolyn Tolbert Smith

Do more
copy than
4 ea. pg
copy?

Congress

Carolyn Tolbert Smith
338 Fifth Ave.
Mt. Pleasant, SC 29464
07/03/2024

For:
The U.S.A. Congress

The Justices In The Supreme Court of SC For
Columbia, SC and Char., SC
Patricia A. Howard, Clerk of Ct.
Columbia, SC 29211
P.O. Box 1130

It is imperative, if you
make all (maddings) docs
traceable by certified,
registered or the
likes same
Certify
by a
return
signature

To Whom It May Concern:

Someone(s) among the Justices herein per my
Claim against Defendants, Judge M. Scarborough,
M. Dinwoodie, A. Andrews, Wil' Kalivua, licensed law-
yer and the judge alleges that this court informed
me that the Court filed, "Intent To Dismiss," my case doc-
umenting the egregious obstruction of, Justice, these
Defendants all consented to perform against me by
sabotaging my scheduled, "Hearing," for argument
accounting/couterclaiming Quiet Title already de-
fated by mother's Last Will And Testament with the
Deed ^{of} Distribution probated yrs. ago. No Quiet Ti-
tle required. Said allegation, I trust, can be pro-
ven. Kindly send by U.S. Postal Service, a copy of my
signature on a return receipt from certified mailly
or registered mail. Alt etc. Corresponding with me
and with my sister, Defendant, Dr. Betty J. Tolbert
Jones gets all correspondence via U.S. Post office, I do

See reverse too

This should have come as a formal
Complaint i.e. Intent To Dismiss not be
bogged down in any long response to a
matter as deeply involved as my Complaint
to not the Supreme Court but to The Dis-
ciplinary Counsel from which I and no doubt
others would expect to get a response. Why
was the response withheld while and until
other pertinent matters were under question?
It appeared that the existing parties were
bent, intent on matching their responses. Uh?
you }

Supreme Ct. + Disciplinary
Council

It is scary and most disconcerting that
lawyer^s, magistrates, judges and justices prefer
to protect and support and cover for and
shelter dangerous criminal minded players herein
who prove repeatedly that they have no in-
tention of upholding THE LAW as they ^{sware} swore
to do while you show no abhorrence for their evil
you prove you care nothing about Justice nor about
the Just. you appear satisfied to herein and make
excuses for them and from them, you readily ac-
cept their compromising of truth and I'm certain
that they eat it up, basking in sin.

Perhaps now I'll be sent the intent filing and for
once in this three year plus saga it will end in justice.
Perhaps too I'll finally get the response that I deserve
to get from the Discipline Committee which re-
viewed the subject complaint that I mailed to them
not to the Supreme Ct. of SC. I wondered why they
were postponing their review response. I trust that
they are and have based on the document evidence that
decided to have judge Scarborough step down from
the position he now holds but has dishonored to the an
infinite degree.

I request an answer, please.

Yours truly, ~~E. Smith~~

Wm. C. P.
Carolyn T. Smith

My copy
at
Mine

Copy 05/31/24
Missing
41, 6

District Ct. CASE No. 2:24 ev 00905 DEN
DNC-
Dist. MHC

Supreme

The State Of South Carolina

In The SC Supreme Court

From The South Carolina Court Of Appeals

CASE No. 2023 001134

Carolyn Tolbert Smith, Plaintiff,

v.

Dr. Betty Jean Tolbert Jones, Attorney Sara Jo Tolbert,
Latten, Estate of Charla Tolbert Mc Millian,
Charles Leon Mc Millian, III, AKA Charles Tolbert
Are The Respondents

Supplement To CASE 2023 001134

Ag's 2/3
cont

6 sets here
Enough 9/25/24

U. S. District Court

Copy 1

District of South Carolina

My objections to other orders/judgments in
CASE No. 2:24cv00905-DCN-MHC Smith v.
Scarborough et al. Plaintiff Carolyn Tolbert Smith

Plaintiff objects stringently to the District Ct.
for S.C.'s Dismissing of my CASE as stated above.
Fear God's objection to your "Injustice!"

It is beyond comprehension that said Court would
choose to uphold an egregious obstruction of justice,
a clear travesty of justice committed by Judge Mik-
Kell Scarborough an officer of the law, and can-
not phathom the court's reasoning, it's fear of scorn
by colleagues to the extent that it would fail in
its duty, sworn duty, to uphold the law. Surely
you were taught right from wrong at home, church,
Synagogue, temple, mosque. Why on earth do you fear
man but not God the creator? I object! Further I
request that you dutifully grant ^{my} motion and arrange jury trial for my case
re CASE NO CP1004058,
I object to your further embracing of the bold, primi-
nal minded defendants, officers of the law, who on
duty to uphold the law, entered into Conspiracy to do
irreparable harm to me, a citizen of the U.S. A. for eighty-
six plus yrs., who sacrificing immensurably to save
the subject property, this Court appears to regard it
as being of no significance. Plaintiff's intention
was and still is God guided and governed. The ab-
jects who seek to greedily take charge of what
my children and I have preserved for family and to
keep as a legacy for ^{to} loving, caring, enterprising, ac-
complished parents, said subjects as the estranged
nephews Charles Leon McM, III AKA C. Tolbert and
Keith L. Tolbert ^{whp} demonstrate their total lack of
love for said grand parents. They've only shown love of MONEY.

'Said judge and his fellow conspirators' Motive was a Nasty, Concocted, Conspired scheme to block my certain ability to prevail. I have and always have had the LAW on my side. They knew this eg. satisfaction by my proof, regarding all six(6) elements to claim Title To Adverse Possession and moreover, to prove that Quiet Title was not necessary in as much as their was mas "Will" probated and with Deed Distribution in place. judge Scarborough, in support of his licensed attys great need to prevail, "Stooped To Conquer" was it Shakespeare who produced it ie! ? I Object to your denying me my civil, legitimate claims I've requested. All of the attorneys and the judge herein should be stripped of immunity and barred from creating more harm for citizens of the U. S. A. I fiercely object to their unreasonable, grossly negative shelter of immunity which grant them the unwarranted, tainted gift of safety from, "The Rule of Law" they knew the harm they would cause and being so weak and criminal minded they'll continue to do so under the wicked guidance of said judge. I Object to their immunity. In addition I object to judge Norton's complaint that I did not appeal the CP10 04058 case timely. The blame is not mine. It's my then attorney, Atty, Melena Dinwoodie of the Finkel Law Firm. I pd her to do and to remain in the fiduciary relation with me. She did not and refused to file the Intent to Appeal. At the last minute I was forced to file Pro Se, ignorant to the entire process. I object to this court not arranging jury trial to provide for my, "Day In Court," "Due Process!"

Not this
+ Nothing

4.

"They" refer to Charles and Keith, the estranged!
They contributed nothing! Stealhy Charles,
through judge and attorney's support, is being
allowed to run rampart through an in-
heritance that belongs to others not to abjects!
It is critically crucial that a thorough
investigation be made into Charla Tolbert
M^{rs} Millians estate. It is more than
questionable that no attorney Plaintiff's ~~allege~~
nor even my ^{own} (for atty) nor judge M. Scarborough
has demanded any proof of what Charla,
Charles' sister's estate include. No one has
demanded proof as to Charla's mysterious,
sudden death. I'm the matriarch in the
family, "Aunt Kay" i.e. but Charles has re-
fused to tell me that ^{well} whether Charla is
dead or alive. She, like her mother my sis-
ter, Fredrena Janice Tolbert were vulnerable.
Foul play could have reached the two of
them, either or. "Word" is that Charla was found
dead in her Dorchester, MA apt; no investigation
reported to me; but ^{with} a cremation with a weird
graveside service with a few people and
strange behavior by Charles. reportedly - Pal-
mer Funeral Home in Charles and St. Peter's
Catholic Church burial. If Charla had or still has
friends or associates or family - Alameda, CA; Dorchester and
Boston, MA; Columbia, SC; Barnwell, SC, The M^{rs} Millians eg. a formc

Due Process blocked Circuit CA

Copy one #6 here
Due Process

I am Plaintiff, Carolyn Tolbert Smith
Circuit Ct, SC robbed me of my "Due Process."

They did not ^{care} to hear my Counterclaim of "title to Adverse Possession" to Quiet Claim (w) Partition; ^{to have} my

argument privilege stolen from me and given

it to ^{himself,} Charles Tolbert, Ashley Andrews, William Kalivas, Keith LaTroy Tolbert et al.; further

mine as "Head of Family Land Certificate"

Charles Tolbert's attempt to take property that is mine and not to be stolen by Charles, the ruthless, greedy estranged one who has come with his unworthy said claims to rob me and my family who contributed alone to my parents, 1995 to

2003 when Mother died and ^{she} lived on said property all of it, dwelling and lot and maintained said property making repairs and improving said properties through the yrs. in fact eighteen yrs. when Keith filed the suit here, illegally

In order to determine for the sake of clarity, truth by revelation...

Whoever has the authority to investigate, for me, the sudden, mysterious death of my dear, vulnerable niece, 2AS Marine, in *X

Forbes Magazine; graduate of Dartmouth College and Boston U, law dept.; owner or part owner of a chain called Fit + Boot MA and CA. It is strange that she would die intestate! W

Who had motive (inheritance?) and opportunity? I want to know.

Who does know? I shall appreciate your help in this devastating matter, interstate. Carolyn Tolbert Smith

Copy * Ousted are and were all co-tenants; Scarborough's motive for corruption, conspiracy. Counter all of this with my Table of Authorities. Focus on Fender

Jewish 1-888-544-2307 Ct of Appeals

Index Exhibit

possession must also establish that the cotenants have been ousted from the property. See Fender v. Heirs at Law of Smashum, 354 S.C. 504, 581 S.E.2d 853 (Ct.App. 2003). (This is based, in part,

on principals applicable to cotenancy.) A cotenant has the right, in common with his cotenants, to the possession of the property owned in common, so ordinarily the possession of one cotenant is the possession of all. (The latter ceases when the exclusive possession of a cotenant becomes adverse to the right of possession by the other cotenant or cotenants; but the hostile character of the possession must be such as to amount to an ouster of the other cotenant or cotenants and must be clearly and unmistakably established by the evidence." Watson v. Little, 224 S.C. 359, 364, 79 S.E.2d 384, 387. ^{2003-2023 = 20 yrs.} ^{Please see proof of my} ^{allegations of illegal, unlaw-} ^{ful acts band from the} ^{Courts and legal system of the USA,} ^{2008/2-1-856-1-818-8} ^{False} ^{Register of deeds}

1. Property has been abandoned by Charles and Charles since 1985-86 when they wrote

3. nasty threatening letter to the decedent, crushing her, having mother questioning if real property. See Grant v. Grant, 288 S.C. 86, 340 S.E.2d 791 (Ct.App. 1986). "Only in rare,

4. they were on drugs, she had been the best grand ma extreme cases will the ouster of one cotenant of other cotenants be implied from exclusive

5. to them, the children of her first born, Fredema. possession and dealing with the property, such as collection of rents and improvements to the property." Felder v. Fleming, 323 S.C. 95, 473 S.E.2d 467 (Ct.App. 1996). *

The conduct and nature of the possessor's exclusive adverse possession must be sufficiently clear to "bring it home" to the other cotenants. See Watson v. Little. Possession with the permission of the cotenants does not meet the requirements of ouster. Ouster may be presumed by possession only if possession is continued for a period of twenty years. See Freeman v. Freeman, 323 S.C. 95, 743 S.E.2d 467.

Improvident → Fake → CONCLUSION → Not yet! → Improvident → Lies

(Even when viewing the evidence and all inferences, which can reasonably be drawn from evidence, in the light most favorable to Defendant Smith, it appears that there is no issue of

fact as to Defendant Smith's possession of the subject properties.) It is clear that her possession of the subject properties has not been exclusive for more than twenty (20) years. Her possession has been less less

ently request, humbly, my "DAY IN COURT" due all-certainly this thing around by Page 4 of 5 due to citizens of the U.S.A. all-pertaining to and the complete Case 2022 or 2021 CP perhaps Case 2022-001815 at the Appellate Ct

Appellant had her mother's permission to come to the property at the subject's authority (w) she was the only one.

Copied

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org

Index
Exhibit

Pleading

1645

CAROLYN TOLBERT SMITH
338 FIFTH AVENUE CORNER OF 06TH STREET
MT. PLEASANT, SC 29464

Principal Matter:
When opposer waste your time
and ours why dont you complain?

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Order: Motion/Continue is Granted

CASE NO: 2021CP1004058

Keith L Tolbert VS Carolyn Tolbert Smith, defendant, et al

Egregious
Carnage of Justice
My case argued
behind
closed doors
Hearing 10/1/24

This judgment was entered on the 25th day of November, 2024, and notice mailed first class on Tuesday, November 26, 2024, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

No!
I may not

Notes please any
and all Transcripts in this
Case is fraudulent, streaming
from the hearing herein where my
argument to counter claim
Quiet Title was barred by
thing in my favor to
Prevail legally!
fraudulent, a
SCA, M. by
Judge M. Kell
Scarborough, He or-
cheated a conspi-
racy with Intent
a crime!
Prosecutorial!

Index
Exhibit

DOES NOT PERTAIN THIS
STANDARD OR REVIEW See

Under Rule 12(b)(6) of the South Carolina Rules of Civil Procedure a defendant may move to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action. *Spence v. Spence*, 368 S.C. 106, 116, 628 S.E.2d 869, 874 (2006). The decision to grant a Rule 12(b)(6) motion to dismiss must be based solely upon the allegations set forth in the complaint. *Id.*; *Clearwater Trust v. Bunting*, 367 S.C. 340, 343, 626 S.E.2d 334, 335 (2006).

In deciding whether the circuit court properly granted the motion to dismiss, the appellate court must consider whether the complaint, viewed in the light most favorable to the plaintiff, states any valid claim for relief. *Spence*, at 116, 628 S.E.2d at 874 (2006). A motion to dismiss under Rule 12(b)(6) should not be granted if facts alleged and inferences reasonably deducible therefrom entitle the plaintiff to relief under any theory. *Id.*; *Overcash v. S.C. Elec. & Gas Co.*, 364 S.C. 569, 572, 614 S.E.2d 619, 620 (2005). Furthermore, the complaint should not be dismissed merely because the court doubts the plaintiff will prevail in the action. *Spence*, at 116-17, 628 S.E.2d at 874.

Standard of Review

Summary judgment is a drastic remedy and should not be used except as a precaution to assure that no party is denied the right to jury trial

If there be any genuine issue as to material fact said issue(s) must be heard

Because Judge Scarborough and his co-conspirators feared losing to a black widow not an attorney license to practice law but prevailing their judge Scarborough stooped to conquer

1 eq
yr all per

Copy needed
surely

Interrogatories of all Defendants minus Carolyn's
show that none of them has contributed anything

Index

STATE OF SOUTH CAROLINA
 COUNTY OF CHARLESTON
 Keith L. Tolbert
 Plaintiff,
 vs.
 Carolyn Tolbert Smith, Charles Tolbert, Betty
 Jean Tolbert Jones, Sara Jo Tolbert Latten,
 and Estate of Charla Tolbert McMillian,
 Defendants.

Judgment

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 CASE NO.: 2021-CP-10-04058

Xtra

Keith's
MS.
 Charles
Sara Jo
Betty's

PLAINTIFF'S RESPONSE TO
 DEFENDANT CAROLYN TOLBERT
 SMITH'S FIRST SET OF
 INTERROGATORIES

All ans. are
the same Nothing!

Keith contributed nothing to Fred nor
 to H.S. Tolbert, decedent, his grandmothers.
 Keith did not attend his grandmothers
 funeral, what she berates disrespect now he

TO: MALENA A. DINWOODIE, ESQUIRE, ATTORNEY FOR DEFENDANT
 CAROLYN TOLBERT SMITH:

INTERROGATORIES

files a Quiet
 Title Claims to take the roof from
 above my head I who came and
 gave of myself and of
 my
 Children
 go

1. Give the names and addresses of persons known to Plaintiff or Plaintiff's counsel to
 be witnesses concerning the facts of the case and indicate whether or not written or recorded
 statements have been taken from the witnesses as well as who has possession of such statements.

RESPONSE:

- Keith Tolbert - Estranged nephew - He filed the suit Charles
 c/o Smith Closser, PA then pursued. see inside
 7455 Cross County Road, Suite One Charles contributed nothing to
 Charleston, SC 29423 the subject property neither did Keith.
- Carolyn Tolbert Smith
 c/o Finkel Law Firm, LLC
 4000 Faber Place Drive, Suite 450
 North Charleston, SC 29405 Note: See line 2 below. There is only one property
 part and parcel
 integral
 338 Fifth Ave + 21st St.
 Mt. Pleasant, SC 29464

- 1 No written or recorded statements; is an heir and has firsthand knowledge of the facts and
- 2 circumstances alleged in the Complaint and surrounding the properties at issue therein, to
- 3 include the deed of distribution and the last will and testament of Helen G. Tolbert.

...les Tolbert, Esq.

1.

Note: Charles dragged his feet on producing interrogatories and never produce any for the Estate of Charles. I've yet to see proof of Charles's existence or non-existence.

RESPONSE: None at this time, but Plaintiff reserves the right to retain an expert and will supplement this response accordingly. *Never followed up as Carolyn knew to be impossible with all so-called Defendants herein.*

5. Set forth an itemized list of any improvements made to the Property by Plaintiff since 2015, including the approximate date the improvement was made, a description of the improvement, and the cost incurred by Plaintiff in making such improvement, if any.

Never RESPONSE: *Never ever* None at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None ever 6. Set forth an itemized list of any repairs made to the Property by Plaintiff since 2015, including the approximate date the repair was made, a description of the repair, and the cost incurred by Plaintiff in making such repair, if any.

Never RESPONSE: *Never ever* None at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None 7. Describe in detail any and all contributions Plaintiff has made to the routine maintenance of the Property since 2015, including a description, approximate dates made, and any cost incurred by Plaintiff in said maintenance.

Never RESPONSE: *Never ever* None at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

None ever 8. Set forth a list of the dates and amounts of payments made by Plaintiff toward the property taxes and/or insurance premiums related to the Property. *None ever!*

Nor ever RESPONSE: *Never ever* None at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered. *Impossible as to Keith participation as to any contributions to Hele or to Fred Tolber ever. The same is true for all Defendants regarding the One integral property Subject to this matter as I, Carolyn*

None 9. Set forth a list of any other pecuniary contributions made by Plaintiff related to the Property since 2015, including dates, amounts, and descriptions of the contributions made. *ever. The same is true for all Defendants regarding the One integral property Subject to this matter as I, Carolyn*

There is none RESPONSE: *Never ever* None at this time. Discovery remains ongoing and this response will be supplemented when any information relevant to this response is discovered.

MBS

Never in his life time.

10. Please identify any time periods that Plaintiff resided at the Property, including his age at the time and length of residency.

RESPONSE: Plaintiff ^{visited} spent one night at the residence in October of 2014 after visiting his father, Blanton W. Tolbert, in the hospital. Plaintiff stayed at a hotel with his family or with his children.

11. Identify any times that Plaintiff has visited the Property over the past twenty years, including approximate dates, length of stay, and purpose of the visit. He visited for his grand father's funeral to line up for the funeral. Keith refused to honor his grand mother's funeral.

RESPONSE: Please see Plaintiff's response to Interrogatory No. 10. Above = 1 But is now let in line to grab her financial resources! How slow!

None

12. Describe any pecuniary contributions made by Blanton William Tolbert toward the Property during the period of 2000-2015 that Plaintiff is aware of, which may include, but is not necessarily limited to improvements, maintenance, repairs, taxes, insurance, etc.

RESPONSE: Plaintiff is not aware of any pecuniary contributions made by Blanton William Tolbert during the period of 2000-2015.

None - Defendant pd. him \$100.00 per wk to sit (w) Ma + Pa for a while 1998-2000. Except paid \$100.00 for 3-4 wks to sit with parents.

13. Provide addresses for any and all real properties owned by Plaintiff, regardless of location, and identify the primary use of each (i.e., primary residence, rental property, etc.). (Covington, GA)

RESPONSE: The only real property owned by Plaintiff is his primary residence located at: 52 Windcrest Dr Covington, GA 30016-1299. → Augusta, GA? Stone Mountain, GA? Grand mother's property. None in Augusta from grandma or mom? None in the area of Stone Mountain?

14. Besides this lawsuit, please identify any other litigation in which Plaintiff has been involved in any capacity including the name of the case, the date, the jurisdiction, and the disposition of the matter.

RESPONSE: None

15. Other than Plaintiff's attorney and/or his staff, identify all individuals or entities with whom Plaintiff has communicated with regarding the Property and/or allegations contained in the Complaint. State the dates and describe the substance of such communications.

Ma, aunt, other? Plaintiff's

3,

Great! You know it is all about a single property a double lot with one dwelling with a structure on one side and swing on the other 16 dogs and residents and yard

Not provable!
omitted me,
Dunt Kay, when
his contacts
were by E-mail

RESPONSE: Please see Plaintiff's response to Interrogatory No. 1 for a list of all individuals not mentioned below who Plaintiff has communicated with, or been contacted by, regarding the Property and/or allegations contained in the Complaint. All communication between the

Among is Corred
Wrong use

heirs relevant to this request has been ongoing since 2020, as evidenced by the discovery documents produced by Plaintiff bates-labeled (KT031, KT032, KT037 and KT038.) In addition to the individuals identified in response to Interrogatory No. 1, Plaintiff has communicated with the below individuals:

- Lisa C. Tolbert: Plaintiff's spouse. They have discussed general information and the status of case at various dates and times since 2020.
- Fredericka S. Tolbert: Plaintiff's mother. They have discussed general information and the status of case at various dates and times since 2020.
- Jessica Wentworth Grassi, Esq.: represented Plaintiff in probating my father's estate. Extensive knowledge of the details concerning the current litigation based on her review from handling the Estate of Blanton William Tolbert. *Not*
- Michael Leach: Plaintiff's pastor. They have discussed general information and the status of case at various dates and times since 2020.

No person knows which

Are a new Deed
By K. C.

SMITH | CLOSSER, P.A.

William K. Kalivas- SC Bar No. 80201
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
(843) 552-2678 facsimile
wkalivas@scnlaw.com
Attorneys for the Plaintiff

May 10, 2022
Charleston, South Carolina
21-280

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Unethical uses of Summary Judgment

Plaintiff, Keith Tolbert's Interrogatories

⇒⇒⇒⇒ Principal matter: The Absurdity of gifting to non-contributors that which belongs to the contributors

Keith and all other plaintiffs referred to as

Defendants except Carolyn had the same log

of responses as to their contributions to the

subject property loudly resound as "nothing"

which they term as, "Not at this time." The truth is
The TRUE response for them all is, "NEVER"

Example here below is the lawsuit filings

Keith Tolbert


In addition, I refer you to the document, Justice
Fender V /

Affidavit Re: witness of Hearing

Torrance W. Smith

Residing at 9357 SW 77th Ave Unit 809 Miami FL 33156

I, Torrance W. Smith, certify that I was present for the court hearing on September 21, 2022 case number cp1004058 Keith Tolbert v Carolyn Tolbert Smith before Judge Mikell Scarborough in Charleston County of common pleas. In said hearing This Judge began with summary judgement and refused to hear the counter claim of Carolyn Tolbert Smith to quiet title lis pendens. The hearing shut down barring Carolyn Tolbert Smith from "due process." Further this Judge improvidently granted Charles Tolbert order summary judgment, so that this case ended in a travesty of justice and miscarriage of justice.

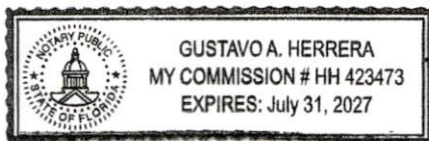


STATE OF FLORIDA
COUNTY OF MIAMI DADE

Sworn to (or affirmed) and subscribed before me
this 6th day of October, 2022,
by TORRANCE WILFRED SMITH


PRINT TYPE OR STAMP OF NOTARY

Personally known ✓
or Produced identification ✓
Type of Identification Produced FCID

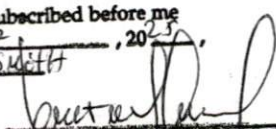


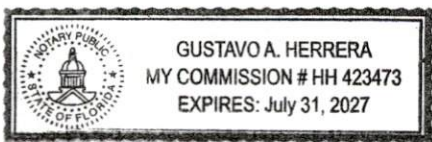
Affidavit Re: witness of Hearing

Ave Marie Smith
Residing at 338 5th Ave Mount Pleasant, SC 29464

I, Ave Marie Smith, certify that I was present for the court hearing on September 21, 2022 case number cp1004058 Keith Tolbert v Carolyn Tolbert Smith before Judge Mikell Scarborough in Charleston County of common pleas. In said hearing This Judge began with summary judgement and refused to hear the counter claim of Carolyn Tolbert Smith to quiet title lis pendens. The hearing shut down barring Carolyn Tolbert Smith from "due process." Further this Judge improvidently granted Charles Tolbert order summary judgment, so that this case ended in a travesty of justice and miscarriage of justice.

Ave Marie Smith

STATE OF FLORIDA
COUNTY OF MIAMI DADE
Sworn to (or affirmed) and subscribed before me
this 10th day of October, 2022
by Ave Marie Cecilia Smith

PRINT TYPE OR STAMP OF NOTARY
Personally known _____
or Produced Identification _____
Type of Identification Produced US PASSPORT



767 Copies

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Keith L. Tolbert
Plaintiff,

vs. Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian,
Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-04058

* Note: My testimony was never heard at this hearing as promised. My Constitutional rights of "Due Process" denied!

Judge Scarborough obliterated my scheduled hearing!

NOTICE OF HEARING - Painful!

Never occurred as ordered judge Mr. Scarborough and all others allowed in said judge's clandestine sinister conferences (2) consented to argue

YOU WILL PLEASE TAKE NOTICE that a foreclosure hearing in the above entitled case has been scheduled for September 21, 2022, at 10:00 a.m., before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, at the Charleston County Courthouse, 100 Broad Street, Courtroom 2A Charleston, South Carolina, for the purpose of taking testimony, findings of facts and conclusions of law and to enter final judgment therein without further order of the Court. Further order was required by law

Taking Testimony? No! Judge Scarborough did no such thing! Said judge created his own usual facts in favor of his chosen attorney in the total matter.

What testimony? (1) Summary judgment first at m hearing to counterclaim said SMITH | CLOSSER, P.A. (2) many judgement to quiet title (3) would have lost. Because the judge shut me down illegally with my own attorneys consent with the judge and conspiring consenters, I am

Said attorney were swiftly catapulted out of Ct. The disaster continued wherein my guilty attorney refused to appeal. Appealing would have shot holes in the follow up plan to give me title to the property but burdened with having to pay three

s/William K. Kalivas
William K. Kalivas
SC Bar No. 80201
P.O. Box 40578
Charleston, SC 29423
843-760-0220
wkalivas@scnlaw.com

I need to what Charles taken from Charles who her estate a fine in Fork Boston law degree Dartmouth. Intestate?

August 22, 2022 Charleston, South Carolina 21-280
judges liking and to the liking of Charles and Keith the fighting, greedy, unworthy, estranged, caring grandsons of the decedent. They contributed nothing their grand parents eg no love, hugs greetings for holiday time. Keith came...

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Keith L. Tolbert,)
)
Plaintiff,)
)
v.)
)
Carolyn Tolbert- Smith; Charles Tolbert;)
Betty Jean Tolbert Jones; Sara Jo Tolbert)
Latten; and Estate of Charla Tolbert)
McMillian,)
)
Defendant(s).)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10-04058

NOTICE OF HEARING

TO THE ABOVE-NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT a hearing on Defendant Carolyn Tolbert-Smith's counterclaim for adverse possession in the above-referenced action will be held before The Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, on **Wednesday, September 21, 2022 at 10:00 A.M.** at the Charleston County Courthouse, located at 100 Broad Street, Courtroom 2A, Charleston, SC 29401. Should any further information be needed, the telephone number for the Master-in-Equity's office is (843) 958-5070.

Respectfully submitted,

FINKEL LAW FIRM LLC

s/ Malena A. Dinwoodie
Malena A. Dinwoodie (S.C. Bar No. 103978)
4000 Faber Place Drive | Suite 450
North Charleston, South Carolina 29405
T: (843) 577-5460; F: (843) 577-5135
mdinwoodie@finkellaw.com
Attorneys for Plaintiff

Date: September 9, 2022

Index



Deed Tampering
Principal Matter

How can the percentages be right when I am the owner?

Pleading?

INSTALLMENT (more)

Deed Tampering

PIN: **5141100064**

TAG: **2-1 TOWN OF MOUNT PLEASANT**

Current owner:

SMITH CAROLYN TOLBERT [1 of 5]

AIN:

TIF:

Ownership type:

Tenancy in Common

Status: **Active**

County: **10-Charleston**

Situs address: **6TH ST**

Geocode:

Case:

Description: **Subdivision Name -SCANLON(...)**

Rev acct: **0010438883**

Pmt pln:

Class: **905 - VAC-RES-LOT**

Tax sale:

ACH pln:

Roll type: **Real**

339?
Really?
m vs d
my 28 yrs P

wrong below

Party Name	Role	Percent of Ownership	Default Address	Communication Info
JONES BETTY JEAN TOLBERT	Owner	16.660%	BETTY JEAN TOLBERT JONES PO BOX 6429 CHARLOTTESVILLE VA 22906-6429	Notes Edit
LATTEN SARA JO TOLBERT	Owner	16.660%	SARA JO TOLBERT LATTEN 7095 HOLLYWOOD BLVD APT 597 HOLLYWOOD CA 90028	Notes Edit
TOLBERT KEITH L	Owner	16.670%	KEITH L TOLBERT 52 WINDCREST DR COVINGTON GA 30016	Notes Edit
TOLBERT CHARLES	Owner	33.340%	CHARLES TOLBERT 115 FRANKLIN TPK NO 259 MAHWAH NJ 07430	Notes Edit
SMITH CAROLYN TOLBERT	Owner	16.670%	CAROLYN TOLBERT SMITH 338 5TH AVE MOUNT PLEASANT SC 29464-2708	Notes Edit

wrong below
out
out
out
out
out

The nephew referred to here up in my Charles Leon million 4 K.A. harles Tolbert was been y judge n. Scarborough my portion if said prop erty which s mine entire now. All tax even when I resurp my pmt which too pd the taxes on us during 18 yrs and beyond. I

Only one Deed of Dist is correct and relevant as to 338 Fifth Ave and 6th st. one property part and parcel a dwelling place compositzly by Mr and Mrs. Fred W. and Helen Grant Tolbert 1969 - 2003 for mother; daddy died 2000; Carolyn arrived in 1995 to give tender, devoted care to mother and daddy; my children uprooted from their college to assist willingly and loyally, devotedly, caringly and assisted me (w) mother and daddy's rice living in their home, their own, familiar charming surroundings. My children arrived in 1998, allowing me to cont to work full time which allowed me to maintain excellent finances wjoined with my mother and father's financial status, allowing them fine comfortable living. My family to still live exclusively on said property, one property occupying two lots 326 and 327; pub. I

Index

Exhibit

Principal Matter

The need for Appellant, Arel to reference Carolyn's Case to retrieve and "Motion," to "Sue," judiciary at the Circuit Ct. level (w) my discovery that judge Mikell Scarborough Orchestrated a Conspiracy with "Intent," (a crime) to "Sabotage," the hearing said judge scheduled for Carolyn Tolbert Smith then executed the "Sabotage," by hearing only one side of the dispute.

The judge cited above started the hearing upside down with Order judgment, "Order Summary judgment," neglecting to hear Carolyn's Scheduled Counterclaim, barring Carolyn's winning argument Countering, Counterclaiming

- * "Quiet Title Lis Pendens. This judge robbed Carolyn of her, "Constitutional," and "Civil
- * "Right," to "Due Process." With this unprecedented, "Obstruction," of, "American Justice," this
- * judge boldly, "Im providently," gifted Carolyn's property of twenty-eight plus yrs. of Exclusive residency as to all former heirs/cotenants

Because this judge conspired with consenting judiciary and because, "Respondents," Charles, Keith and others abandoned the property none but Carolyn's children, the grand's of the decedents take ownership exclusive of Respondents

04/28/2020

Pertains to a major legal conference wherein I was not a part or participant; never advised of any consent to exactly what I detest and I abhor the matter. Consent NO!!!

I SO CONSENT:

I SO CONSENT:

s/William K. Kalivas
William K. Kalivas
SMITH CLOSSER, PA
7455 Cross County Road, Suite One
Charleston, SC 29423
wkalivas@scnlaw.com
Attorney for the Plaintiff

s/Malena A. Dinwoodie ← my atty.
Malena A. Dinwoodie
FINKEL LAW FIRM, LLC
4000 Faber Place Drive, Suite 450
North Charleston, SC 29405
mdinwoodie@finkellaw.com
Attorney for Defendant Carolyn Tolbert Smith
Carolyn never would, never shall consent to that referral
I SO CONSENT: above

I SO CONSENT:

s/Ashley G. Andrews
Ashley G. Andrews
LaFond Law Group, P.A.
544 Savannah Highway
Charleston, SC 29407
andrews@lafondlaw.com
Attorney for Defendant Charles Tolbert and the Estate of Charla Tolbert McMillian

Betty Jean Tolbert Jones
1311 Delaware Ave. SW, Suite S843
Washington, DC 20024

Alwyn T. Silver - Not a Player
P.O. Box 1665
Georgetown, SC 29442

Judge Mikell Scarborough
C/o Clerk of Court, Julie Armstrong
100 Broad Street
Charleston, SC 29401

neither has any notice given to Carolyn's Primary official in anything name! Why

I, Carolyn Tolbert Smith, here by certify that I, by US Mail Carolyn T. Smith noticed the parties above, of the foregoing is my claim in 338 Fifth Ave response to the decision of the SC Supreme Court. Said court's int. p. 10 denial of my request to overturn the motion to Dismiss my case (w) 29464 prejudice. Due to said court's denial, it must be the District Ct for the District of SC to review and decide how I'll be granted 'Due Process'. 1-843 216-6960

Primary = Ashley Andrews Supporter

Conspiracy by Judge

Plaintiff was exclude thereat. Consent

Concided

Abitter NO! Exhibit D

Conspiracy! Note please is not invited to consent!

Carolyn ? No?

A Copy

Conspiracy CO- Conspirators



Index

Summary Judgment

Principal matter: That Judge Wilkes Scarborough abused severely his power and, "Orchestrated a 'Conspiracy' against Carolyn T Smith with 'Intent' (a Felony Crime) agreed to by co-'Conspirators.' They executed their 'Intention,' by this judge's, 'Sabotages,' of Carolyn's, 'Hearing' where she was to provide her argument to 'Counterclaim,' 'Quiet Title Lis Pendens' & said judge convened conferences July 2022 Aug 2022. He and * Coconspirators schemed, planned a way to bar Carolyn from arguing, from aving the "frivolousness of Law suit," "Quiet Title," first because, "Quiet Title is Defeated by a proper, sound, Comprehensive Last Will And Testament," with the, "Deed of Distribution" filed in the Chas. Co. Probate Court unchanged. 2011, Sept * 24. It was NEVER heard * Carolyn's Counterclaim to "Quiet Title." At the "hearing," this * judge started with Summary Judgment, ignored; * ignored Carolyn, her atty., Melena Din Woodie, my family and me. then he shut the hearing down, a NO NO NO! After and before word got out about this unprecedented Mis-Carriage of justice he, "stuck," out on the "lie," that Carolyn's Counterclaim was heard. He now says there was no "hearing," scheduled for Counterclaims only one to decide the "merit," Merit of what? when was it dis-

Index

Exhibit

See below, Principal Matter lines 3-8

The deceptive reports and documents judge MiKell Scarborough shared with the SC Court of Appeals, the SC Supreme Court and the District Ct. For The District of SC deceived each Court.

His Co Conspirator Ashley Andrews, Esquire hastily filed a "Motion," to "Dismiss with Prejudice," Carolyn's Case, knowing that my atty; Carolyn's atty; had "thrown her under the bus" hence only desperation forced the opposer to search for a way to stop Carolyn's opportunity to turn things around exposing the Prosecutorial - mis Conduct; this judges approval of false accusations before judge Scarborough; this judge's judgment had abandoned Charles Tolbert's attempt to pay our property taxes for the 1st time in twenty yrs Carolyn had the Chas. Co. treasurer's wife refund him; those conspirators gave Keith Tolbert who filed the *frivolous, meritless law suit i.e. "Dmit Title Lis Pendens," gave Keith a document with words as follows This Doc' is the form that read, "Carolyn Te Smith relinquished the Ct. appointed Personat Rep' for my own mother Estate - judge Scarborough agreed to the mis Carriage of justice & this was given to the filer of the SCAM low suit, "Dmit Title." Defeated by the initials "Deced of Distribution" Opposing Counsel tried Correctly

No injustice remains but the fault
Justice has long arms

"Improvvidently granted due to Conspiracy"

Judge Scarborough
and
corrective
Deeds All
Plaintiff
Attorneys
executed this
corrective deed
Bates Services
see Respondents
Exhibit
Respondents

Erroneous Deed charge to Defendant
Carolyn Smith Plaintiff

1) mother, Helen Alice Grant Tolbert resided at 338 5th Avenue and owned an interest in both
2) Property 1 and Property 2 until her death on December 25, 2003. Further, Defendant Smith, as
3) Personal Representative of the Estate of Helen Alice Grant Tolbert, executed a corrective Deed of

4) Distribution on January 17, 2013 confirming title in her name and in the names of the other parties
5) to the within action. The execution of the 2013 Corrective Deed of Distribution defeats a claim of

ouster, which is a necessary element to Defendant's counterclaim for adverse possession. There
6) hence a claim of Quiet Title
7) is no genuine issue as to any material fact and Defendant Charles Tolbert is entitled to judgment
8) as a matter of law

9) IT IS THEREFORE, ORDERED that Defendant Charles Tolbert's Motion for Summary
Judgment as to Defendant Carolyn Tolbert Smith's counterclaim for adverse possession is granted.

10) IT IS FURTHER ORDERED that this court shall retain jurisdiction over the partition
11) action which is still pending.
12) IT IS SO ORDERED!
13) A Deed of Distribution Defeats Quiet Title

Judge Scarborough's and Ashley Andrews
and Charles C. McMillian (Charles Tolbert)
have been totally unethical behavior!

Re: I pray that Case {2021 CP1004058
Writter {2021 CP1004058, being
* Muddy, be canceled and a new case *
begun with all new lawyers for the Defen-
dants and for me, the Plaintiff.
Re: said case, perhaps the term is either to "Vacate" or "Set Aside"
Said Case.

Executed a corrective deed?

No! Keith and my opposers tampered
with Ma's comprehensive sound perfect
Deed of Distribution. They my opposers
need deed problems to force their false claim
needlessly!

The judge heard and accepted this bold lie
to assist them in their saying they prevail though
they could not

* Apply fake giving Keith my Ct Appt. Position

Exhibit Index Pleading 05/02/2025
Notice this announcement of hearing. Nevertheless a matter

Notice of Motion for Prelim. Hearing
any hearing from 12:00pm Mar 25?
Motion for Prelim. Hearing
March 25, 2025
Rec'd Apr 8, '25
Hearing March 7, 20 25
Date of decision?
Date stated on completion of decision?

STATE OF SOUTH CAROLINA *of deciding*
COUNTY OF CHARLESTON *merit*
Keith L. Tolbert *Kalvin cont' to tell their lies*
Plaintiff,
vs.
Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian,
Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.:

Note: Please see that W. Kali Vas and my opponents' attempt now to skip the rule/law that Mediation be met immediately - told at Ave's hearing

NOTICE AND MOTION FOR PRELIMINARY HEARING TO DETERMINE HEIRS' PROPERTY AND APPOINT A REAL ESTATE APPRAISER *(w) Judge John Son cont' where said judge made the Order. She did not entertain Plaintiff's argument*

PLEASE TAKE NOTICE that the undersigned, as attorney for Plaintiff, Keith L. Tolbert,

hereby moves before this Honorable Court for a preliminary hearing and an Order holding that the real properties at issue in this case are heirs' property and for the appointment of a disinterested real estate appraiser to determine the fair market value of the properties. *NOT GO! said property in Carolina Tolberts Property*

Pursuant to S.C. Code Ann. §15-61-330, upon a filing of an action for partition, the Court,

upon motion of a party or based upon the statements contained in the pleadings, is required to hold a preliminary hearing determining whether the subject real estate is heirs' property. *when when where*

"Heirs' property" is defined as real property held in tenancy in common that has no agreement governing its partition contained in the record binding all of the cotenants; at least one of the cotenants acquired title to the real property from a relative; and at least one of the following applies: (a) at least twenty percent of the interests to the real property are held by cotenants who are relatives, (b) at least twenty percent of the interests to the real property are held by an individual who acquired title from a relative, or (c) at least twenty percent of the cotenants are relatives. S.C. Code Ann. §15-61-320(5). *There is intent to appeal for jury trial mediation must proceed! no longer are there co-tenants I have acquired the title, I, Primary owner for twenty plus years*

** One Equine says you to heirs property*

** This judge T. Rode was to only hear my (no one has title co-tenant)*
or (c) at least twenty percent of the cotenants are relatives. S.C. Code Ann. §15-61-320(5). *Dismissal with Prejudice as to Involuntary abandoned the subject property*

"Improvident" judgment
The Complaint and subsequent pleadings in this case allege and admit that every cotenant received their respective share from a relative related through consanguinity or affinity, and that every cotenant is related through consanguinity or affinity. Therefore, per the statements contained *Blood?*

Index

Judgment Principal Matter

Index

Principal matter

Conspiracy Sabotage of Hearing SCAM-ed, Fraud in CASE 2021 CP1004058

Index

NO Date?

These lawyers are ~~are those who~~ agreed by signed consent to have Judge Scarborough "Hearing" he now pretends was not a "Hearing" but a meeting to decide some "Merit" Lies! It was an infamous Hearing! one sided.

Please see William K. Kalivas' role here in the Complaint, cpa This is in answer to questions re: William Kalivas, Esq. cpa

ISO CONSENT:

, Suite One

"Those who consented" to "Sabotage" the "Hearing" "09/21/2023" allowing "only" Scarborough to only

ISO CONSENT:

Judgment then End of Hearing My atty
s/Malena A. Dinwoodie
Malena A. Dinwoodie
FINKEL LAW FIRM, LLC
4000 Faber Place Drive, Suite 450
North Charleston, SC 29405
mdinwoodie@finkellaw.com
Attorney for Defendant Carolyn Tolbert Smith

ISO CONSENT:

Write all of these

Betty Jean Tolbert Jones
1311 Delaware Ave. SW, Suite S843
Washington, DC 20024

Do a cert of Proof Certificate of Service

I, Carolyn T. Smith do certify by that a copy of the Supplement 02/04/2024 is mailed to all counsel in case no. 2023-001134 today 02/24/2024 why no signature ever? Who is covering self? Who is hiding?

LaFond Law Group, P.A.
544 Savannah Highway
Charleston, SC 29407
andrews@lafondlaw.com
Attorney for Defendant Charles Tolbert and the Estate of Charla Tolbert McMillian

Always Sub motive + opportunity + character
P.O. Box 1665
M.T. 29442

"Principal Matter"

The Honorable Mikell R. Scarborough
Master-In-Equity, Charleston County

No Signature ever. Why not?

FILED - 2022 Aug 15 8:37 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

Copy 1
more copy 3
mine

Index ——— Pleading Exhibit
Principal Matter - Injunctive Relief in Quiet Title Matter

The state of South Carolina
County of Charleston In The Court of
Common Pleas
Carolyn Tolbert Smith
Plaintiff, CA No. Sept. 20, 2021
CP10 04058

v.
Betty Jean Tolbert Jones
William Kalivas
Ashley Andrews
Melena Dinwoodie
Alwyn Taylor Silver
Judge MiRell Scarborough
Motion
For Preliminary and
Permanent Injunctive Relief

Defendants.
CASE NO. 2: 24CV00905
Motion DNC MHC

I, Carolyn Tolbert Smith, in light of the erroneous and unethical handling of and at the Hearing in CASE NO. CP1004058, resulting in an erroneous Order Judgment that of Summary Judgment for Charles Tolbert in error, I enter my Motion herein above that is, "Preliminary" and "Permanent Injunctive Relief" in said case.

The District Ct. for Dist of SC

Copy

Index

The U.S. District Court

Exhibit

District of South Carolina

Principal matter: Injunctive Relief

CASE NO. 2:24 CV 905 DNC MHC

"Motion," requesting, "Injunctive Relief," in
the matter of CASE NO. CP10 04058. This

is filed as a Complaint under the AWA
and the pertinent exceptions to the AIA.
Pleadings and transcripts are presently in the
District Court of South Carolina. The

Pleadings and Transcripts prove conspiracy and
tampering and manipulating of my scheduled
court hearing on Sept 21, 2022 by judge Mi-
kell Scarborough. Consenters to the "illegal
executed scheme at hearing included my attorney,
Melena Dinwoodie and two opposing attorneys,
Ashley Andrews and William Kalivas both Es-
quire. Their scheme stripped me, Carolyn T. Smith
of my Constitutional right and civil right to, "Due
Process." Injunctive Relief is urgently needed

to stop further proceedings in the subject case where-
in the Order Judgment granted Charles AKA Tolbert
the right to Quiet title already defeated by my
probated Last Will and Testament of my mother and
the original and only legitimate Deed Dist' that was duly
filed with said, "Will." It will give accent to the vacat-
ing and/or overturning of the "Bogus" Order Judgment with
my opportunity to, "Due Process," argument for Adverse Possession,
and recognition again that I am the Ct. appointed Personal Represen-
tative to my mother's Estate and NOT Charles Leon McMillian III es-
tranged nephew of mine.

Carolyn Tolbert Smith

338 Fifth Ave.

Mt. Pleasant, SC 29464

1-786-325-2704 05/12/2024

Trey Gowdy Law Firm

P.O. Box 3324

Spartanburg, SC 29304

I have been advised to contact you for your assistance in the matter of moving my case forward onto the U.S. Congress and to the U.S. Supreme Court. I am normally aided by the ofc. of Sen Tim Scott unable to get involved herein. I am in desperate need of help to save my home. I am now in the U.S. District Ct for SC. This ct refuses to act ie to grant me Injunctive Relief and address the obstruction of justice in the Chas. Co Circuit Ct, resulting from a judge stripping me of my Constitutional right to "Due Process". The present ct finally admitted its jurisdiction to act and grant me my Motion for Injunctive Relief against the faulty, illegal Order judgment granted to an estranged nephew. District Ct's failure to protect my rights as stated/written by the ct., they dont like Overturning their Colleagues "Order," advising "Act of Congress I must seek.

Thone, CJS
Carolyn T. Smith

Copy
59 more



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

DIVISIONAL OFFICES

P. O. BOX 835
CHARLESTON, SC 29402
(843) 579-1401 FAX 579-1402

300 E. WASHINGTON STREET
ROOM 239
GREENVILLE, SC 29601
(864) 241-2700 FAX 241-2711

P. O. BOX 2317
FLORENCE, SC 29503
(843) 676-3820 FAX 676-3831

Index

CASE No. 2: 24cv 905 DNC Exhibit A
OFFICE OF THE CLERK
901 RICHLAND STREET
COLUMBIA, SOUTH CAROLINA 29201-2431
(803) 765-5816 FAX (803) 765-5960
www.scd.uscourts.gov

ROBIN L. BLUME
CLERK OF COURT

February 21, 2024

Ave Marie C Smith

Att: Clerk of Court
Robin L. Blume

To whom it may concern,

Enclosed is check number 7994 dated February 15, 2024 in the amount of \$350.00. We are returning this item because we are unable to locate an Order directing the Clerk to accept funds for the case. If you have any questions regarding this letter contact the Finance Department at (803) 765-5816.

Said check accompanied my filing and filing supplement before the U.S. District Court District of South Carolina. Said check has been returned to me void.

Sincerely,

CR for \$55.00 →

Financial Clerk/mmed

The amt. was incorrect. The Char. SC District Court informed me that the fee is \$205.00. I mailed that supplemented CR to the District Court for SC the Columbia, SC office. Herein I have attached a new CR for \$350.00 (Cashiers CR) which now totals \$205.00. Any request for a waiver was a mistake and now void please.

Emergency!

Clerk In the Circuit Court of Common Pleas

Clerk of Court at the Court of Appeals

"I pray that in this dire, 'Emergency', that the Court act immediately on my required and requested Preliminary and Permanent Injunction in the CASE NO CP 10 04658 recently remanded to the Circuit Court. Only said Injunction will head off an egregious travesty of Justice against me, the 86 yr. old Plaintiff, conspired against with my former atty, Attorney, to 'throw' the hearing so that the judge hear and heard no argument from me. Said judge involved the hearing starting with summary judgment and hearing no arguments from me."

Copy
62 more



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

DIVISIONAL OFFICES

P. O. BOX 835
CHARLESTON, SC 29402
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300 E. WASHINGTON STREET
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Index - Exhibit

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(803) 765-5816 FAX (803) 765-5960

www.scd.uscourts.gov

ROBIN L. BLUME
CLERK OF COURT

February 21, 2024

Ave Marie C Smith

*Att: Clerk of Court
Robin L. Blume*

To whom it may concern, *CASE NO. 2:24CV00905 DMC MHEX*

Enclosed is check number 7994 dated February 15, 2024 in the amount of \$350.00. We are returning this item because we are unable to locate an Order directing the Clerk to accept funds for the case. If you have any questions regarding this letter contact the Finance Department at (803) 765-5816.

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Financial Clerk/mmed

\$205.00. Any request for a waiver was a mistake and now void please.

I pray that in this dire "Emergency" that the Court act immediately on my required and requested Preliminary and Permanent Injunction in the CASE NO CP 10 04058 recently remanded to the Circuit Court. Only

Emergency!

Said Injunction will head off an egregious travesty of Justice

CC: Clerk In the Circuit Court of Common Pleas

Against me, the 86 yr. old Plaintiff,

CC: Clerk of Court

Conspired against with my former atty, Attorney, to "throw" the Hearing

at The court of Appeals

so that the judge hear and heard no argument from me. Said judge invoked the Hearing starting with Summary Judgment and hearing no arguments from me.

Index

Exhibit

U. S. District Court
District of South Carolina

Plaintiff's Objections TO R.R. Pertaining
to

District Federal CASE 2:24 CV-00905 DCN

MHC

Circuit Court CASE NO. CP10 04058

Submitted on 05/14/2024

By U. S. mail Certified - Return Receipt

I may have used the following abbrevi-
ations:

Pertaining = Per'

Court = Ct.

Regarding = Re:

District = Dist'

Federal

Report and Recommendation

Deed Distribution = Deed Dist'

Carolyn Tolbert Smith

338 Fifth Ave and

Sixth Street

Mt. Pleasant, SC 29464

Tel. 1-843-216-6960

My apologies that I'm forced to take my case
Pro Se acting as secretary, paralegal and attor-
ney having no training to do any of the above.
My former atty. dropped me rather than appeal ^{of}

A. - Here + below *Objection To RTR Case No. 05/15/2024*
2:24 CV-00905 DCV-MHC

1. Plaintiff objects to immunity and to summary Dismissal for Defendants, Mr. Scarborough, Ashley Andrews, W. Kalivas, Mr. Dinwoodie who played an integral and major role in said judge's damage scheme
2. Second and subsequent objections below...

See 2nd page, please.

Do more!

Writers Name Law Firm McCondeley Tel. 1-864-256-0855

Why would I need a quiet title lawsuit?

Index Principal Matter: Frivolous + Unneeded Pleading

As I wrote in my last post, the main reason clients come to me for a quiet title action is because there is a tax sale in their property's history. But what are some other reasons that a property owner might need a quiet title action in South Carolina?

A quiet title lawsuit is a way to settle certain specific, known problems with ownership rights and/or title defects in a particular piece of land, including:

* When a person passes away and the transfer of their ownership interest in a piece of land is not documented by a deed of distribution. This often happens when a person dies without a will and their estate is never processed through probate court.

• Ex: Grandma Cornelia owned Greenacre. She died without a will and Grandpa Henry passed away before her, so ownership of Greenacre automatically passed to her two children, Lily and Janet. Grandma Cornelia didn't own much, so Lily and Janet never went through the probate process. Lily and Janet rent the property out for 10 years, then decide that they want to sell it. The problem is that the current deed still has Grandma Cornelia's name on it, but Grandma Cornelia is not around anymore to sign it over to the buyer. Lily and Janet cannot probate her estate anymore because it has been more than ten years since Grandma Cornelia's death. To solve the ownership issue so that they can sell Greenacre, they can either bring a quiet title action in equity court or a petition for determination of heirs in the probate court.

Definitive Not the

• Problems with a previous deed, including incorrect or missing legal descriptions, improper signatures, typos (also known as "scrivener's errors"), or if a previous deed was not recorded at all or was recorded out of order.

Not so!

• To clarify a landowner's rights to use an access road or easement over another's land.
• In these types of cases, if the relevant landowners are on good terms, it may be easier to ask them to sign an easement agreement rather than go through a quiet title action.

Not relev

• To clarify boundaries where lot lines are unclear or disputed.

Not pertaining

• To settle old mortgages or liens where no satisfaction has been filed. Normally you would request a satisfaction, lost mortgage satisfaction, or release of lien from the lien holder first. If the lien holder will not give you a satisfaction or release, then you could file a quiet title action and ask the court to declare that the liens are no longer a problem. Reasons for this may include that the statute of limitations has passed, the person who mortgaged the property believes that they paid it off but no satisfaction was ever filed, or a municipal tax lien may have been wiped out when the property was sold by the county for unpaid county taxes.

Quiet Title

No fixing ever needed!

The purpose of a quiet title action is to fix a problem with title to land so that the owner can convey marketable title to a buyer. Why does that matter? Most title insurance companies will not issue title insurance for the issues listed above, and most banks will not issue loans on properties that can't get title insurance. For sellers, this typically means that if your property has a title issue and you have not cured it with a quiet title action, then your pool of potential purchasers is narrowed to cash buyers only.

If you are interested in selling or purchasing land in South Carolina that has one of the title problems listed above, feel free to call McConoughey Law Firm for a consultation at (864) 256-0855.

To get title insurance

This never existed

It seems that a Quiet Title suit is defeated by a Last Will and Testament with "Deed Distribution on property with a Warrant deed?"

McConoughey Law Firm
Conoughey

Note: lots 326 and 327 = one part and parcel occupied by one dwelling on one part and a hobbit garage



J306283

RMC BK 0306 pg 288 pg 1 *

STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF: HELEN ALICE GRANT TOLBERT

state the Correction! By whom?

IN THE PROBATE COURT CORRECTIVE DEED OF DISTRIBUTION

Recorded to correct percentage of ownership

CASE NUMBER: 2010-ES-10-01356

WHEREAS, the decedent died on December 25, 2003; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for CHARLESTON County, South Carolina in File #2010-ES-10-01356; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

Below here is no Corrective Deed it is the initial Deed of Distribution

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Carolyn Tolbert Smith 338 5th Street Mt. Pleasant, SC, 29464 (20% interest)

Blanton William Tolbert 202 St. James Ave., Apt. # 9-D Goose Creek, Ave. 29445 (20% interest)

Dr. Betty Jean Tolbert Jones P.O. Box 6429 Charlottesville, VA 22906-6429 (20% interest)

Sara Jo Tolbert Latten 7095 Hollywood Blvd. Apt. # 597 Hollywood, CA 90028 (20% interest)

Charles Tolbert 115 Franklin Tpk, No. 259 Mahwah, NJ 07430 (10% interest)

Charla McMillian 1518 Encinal Avenue Alameda, CA 94501 (10% interest)

I see here only recognition of Charles naturally taking his sister's share

following described property:

ALL that lot of land with the buildings and improvements thereon in the village or settlement, formerly the property of Charleston Land Company, all of Scanlonville, and formerly Remley's Point, in Christ Church Parish, designated on a Plat of Survey made by John A. Michel the fourteenth day of February, 1870, as Lot No. 326,

Measuring and Containing One Hundred (100') feet on the front and back lines and Two Hundred (200') feet in depth, be the said dimensions more or less,

Butting and Bounding on the North by Lot No. 317, on the East by Lot No. 327, on the South by Fifth Avenue, and on the West by Lot 325.

Explain, please is the church

BEING the same interest in the premises conveyed to conveyed to Fred W. Tolbert and Helen G. Tolbert by Marvin E. Dennis; by Deed dated June 19, 1970; recorded June 19, 1970 in Book R94 at Page 128 in the RMC Office for Charleston County.

TMS#: 514-11-00-065

TOGETHER with all and singular the Rights Members Hereditaments and Appurtenances to the said Premises/Property belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Carolyn Tolbert Smith,

FORM #400PC (1/89) 62-3-907, 62-3-908

Page 1 of 2

Never to neither Charles nor Keith L. Tolbert who filed the claim, 'Quit Title'

KT006

Scarbo rough -> Egregious!

Nothing changed!

Erroneous

The unchanged correct There has never been any need to tamper with this distribution re for lots 326

*Originally recorded in Book 0209 at Page 305 page 001-2-2010

3 Counts

Executor William Tolbert, Percy Earl Tolbert Jr., Son to Robert L. Tolbert, Cheryl McMillan or Charles Leon McMillan
their heirs and assigns forever

IN WITNESS WHERE OF the undersigned as Personal Representative of the estate of the decedant has
executed this Deed, on this 7 day of 7 2011 2011 and no other A Hy }
Appellant response only (w) Counts }

SIGNED SEALED AND DELIVERED Estate of Helen Alice Grant Tolbert

IN THE PRESENCE OF by Signature Carolyn Tolbert Smith

Witness [Signature]

Witness Amanda Smith

Carolyn Tolbert Smith Sign my name
wherever I am to sign eg
(more of) So who printed this?
I never print where I am
to sign. of

STATE OF SOUTH CAROLINA) PROBATE
COUNTY OF CHARLESTON)

who? Appeard? who are you?
PERSONALLY appeared before me Shanda Smith and made oath that he/she saw the within named Personal
Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with
Kevin M. Thugez witnessed the execution thereof.

SWORN to before me this 26 day of OK
September, 2011 Witness Signature Kevin M. Thugez

[Signature]
Notary Public for South Carolina
My Commission Expires 5-31-2018

Note, please the truth finally,
A bone left you will find
the only Deed Distribution that
I know of and signed onto as
directed by
A Hy, George
Counts,
of



BELOW, PLEASE SPECIFY THE EXACT NAME AND ADDRESS
OF THE PERSON(S) TO WHOM TAX BILL SHALL BE SENT:

Mrs. Carolyn Tolbert Smith
338 5th Street
Mt. Pleasant, SC 29464

Copy
7/23
would copy here

Mine
File



CHARLESTON COUNTY SOUTH CAROLINA
PERSONAL REPRESENTATIVE MATTER

I
Personal
Representative
Matter

File

30.00

RETURN SALES TAX INFO ADDITIONAL PROPERTY INFO PRINT

Property Information

Current Owner: SMITH CAROLYN TOLBERT
338 5TH AVE
MOUNT PLEASANT SC 29464-2708

Appointed Representative for my mother, Mrs. HB To Estate

Property ID: 5141100064
Physical Address: 6TH ST
Property Class: 905 - VAC-RES-LOT
Plat Book/Page: 1
Neighborhood: 301801 TH01 Rentley's Point
Deed Acres: 0.0000

I never relinquished ownership
was if law(s) that changed things, I
would distribute the inheritance in a
godly manner guided by the seat of judgment
God the Father, Almighty, etc

Also only the
dwelling is the subject herein

Legal Description
Subdivision Name -SCANLONVILLE Description -LT 327, Site Name -COR FIFTH AVE
Plat Suffix D-180 PolTwp 001

Sales History

After 10
yrs. filed
no court
contest by
law

Book	Page	Date	Grantor	Grantee	Type	Deed	Deed Price
0933	418	6/22/2015	SMITH CAROLYN TOLBERT	SMITH CAROLYN TOLBERT	S	Ad	\$0
0209	303	12/25/2003	TOLBERT HELEN G	SMITH CAROLYN TOLBERT	S	Ad	\$0
H119	107	5/24/1979	AYERS HOLLIS A	TOLBERT HELEN G	Gr	Gr	\$3,500
P092	018	1/1/1969		AYERS HOLLIS A	Gr	Gr	\$0

Critical

RETURN SALES TAX INFO ADDITIONAL PROPERTY INFO PRINT

TO the Dining Rm

SMOKING GUN!

5. Based in untruths they needed to grant Charles Sum

many judgment in the circuit court, Atty Andrews presented to the court the falsehood CONCLUSIONS OF LAW that I, Carolyn Tolbert

Smith ~~executed~~ ^{???} Fee simple absolute title in and to all of the Property should be quieted and confirmed

Deed of to be owned by the following, in the percentages listed by his or her name, who each own an undivided interest as tenants in common in and to the Property: only as provided by the abandoned will.

drastic quiet title claim, I gave to the Appellate court documents that supported my innocence and proved that Respondents at the time Defendants executed said

Name	Ownership Interest
Keith L. Tolbert	20%
Carolyn Tolbert Smith	20%
Charles Tolbert	10%
Betty Jean Tolbert Jones	20%
Sara Jo Tolbert Latten	20%
Estate of Charla Tolbert McMillian	10%

where is Charla?

an egregious injustice; a sound travesty of justice. How industry did judge Scarborough change our property fee simple to absolute? no explanation!

THEREFORE, IT IS ORDERED that each party shall have the percentage interest in the properties as indicated in Exhibit A, as tenants in common, in fee-simple, free and clear of all claims to the properties, absolutely and forever.

IT IS FURTHER ORDERED that this Order shall be amended and/or withdrawn, as necessary, pending the outcome of Defendant Carolyn Tolbert Smith's adverse possession claim.

Deed(s) at Dist.

Smith

Malverse Mullins King st

Attorney? Verdict here 04/04/2023 Plaintiff prevails

To: The SC Court of Appeals

Carolyn Tolbert Smith adds to my already paid motion to Reinstate Case No: 2022 001815, and hereby having just learned about my attorney's Consent to Quiet Title as ordered by judge Mickell Scarborough. Said Consent Order goes completely against the Will of the decedent and against my Will. I am the Representative of said estate to be preserved for generations.

Said estate is meant to be preserved for generations.

Copy
Area

Please see what Mr. Scarborough has allowed re: Deed Distribution tampering!

Quiet Title?
Why Do I Need
No! Refer to Rules

CONCLUSIONS OF LAW

1. Fee simple absolute title in and to all of the Property should be quieted and confirmed to be owned by the following, in the percentages listed by his or her name, who each own an undivided interest as tenants in common in and to the Property:

Plaintiffs

Tampered with the Sound, initial

Deed by my atty. coz they have their own wealth they put nothing in

Name	Ownership Interest
Keith L. Tolbert	20%
Carolyn Tolbert Smith	20%
Charles Tolbert	10%
Betty Jean Tolbert Jones	20%
Sara Jo Tolbert Latten	20%
Estate of Charla Tolbert McMillian	10%

Right!

No Change!
an egregious injustice in a soundly clear
They abandoned the will and the property!
Travesty of justice

THEREFORE, IT IS ORDERED that each party shall have the percentage interest in the properties as indicated in Exhibit A, as tenants in common, in fee-simple, free and clear of all claims to the properties, absolutely and forever.

Laughable or mournable Malware

IT IS FURTHER ORDERED that this Order shall be amended and/or withdrawn, as necessary, pending the outcome of Defendant Carolyn Tolbert Smith's adverse possession claim.

temporarily

Mullins King of Judges' Tampering

Attorney?

Verdict here 04/04/2023 Plaintiff prevails

To: The SC Court of Appeals

Carolyn Tolbert Smith adds to my already paid motion To Reinstate Case No: 2022 001815 and hereby having just learned about my attorney's consent to "Quiet Title" as ordered by judge Mickell Scarborough, said Consent Order goes completely against the Will of the decedent and against my Will, I am the Representative of said estate to be preserved.

Copy

Blame Scarborough Vastly Erroneous!



This is the yard of 338 Fifth Ave. and sixth St. Mt Pleasant, SC

INSTALLMENT (more)

I have resided here for 28 yrs 29464 twenty of those yrs exclusively C.A.S.

PIN: 5141100064

TAG: 2-1 TOWN OF MOUNT PLEASANT

Current owner: SMITH CAROLYN TOLBERT [1 of 5]

AIN:

TIF:

Ownership type: Tenancy in Common

Status: Active

County: 10-Charleston

Situs address: 6TH ST

Geocode:

Case:

Description: Subdivision Name -SCANLON(...)

Rev acct: 0010438883

Pmt pln:

Class: 905 - VAC-RES-LOT

Tax sale:

ACH pln:

Roll type: Real

Legal Parties					
Party Name	Role	Percent of Ownership	Default Address	Communication Info	
JONES BETTY JEAN TOLBERT	20% Owner	false 16.660%	BETTY JEAN TOLBERT JONES PO BOX 6429 CHARLOTTESVILLE VA 22906-6429		Notes Edit
LATTEN SARA JO TOLBERT	20% Owner	false 16.660%	SARA JO TOLBERT LATTEN 7095 HOLLYWOOD BLVD APT 597 HOLLYWOOD CA 90028		Notes Edit
TOLBERT KEITH L. Son of Blanton	20% Owner	false 16.670%	KEITH L TOLBERT 52 WINDCREST DR COVINGTON GA 30016		Notes Edit
TOLBERT CHARLES Mr. Milliam	10% Owner	false 33.340%	CHARLES TOLBERT 115 FRANKLIN TPK NO 259 MAHWAH NJ 07430		Notes Edit
SMITH CAROLYN TOLBERT (w) Adverse Po' 100%	20% Owner	false 16.670%	CAROLYN TOLBERT SMITH 338 5TH AVE MOUNT PLEASANT SC 29464-2708		Notes Edit

Fowl! Fall out

he nephew referred to only one Deed of Dist is correct and relevant as to 338 Fifth Ave and 6th St. one property Part and Parcel a dwelling place composately by Mr and Mrs. Fred W. and Helen Grant Tolbert 1969-2003 for mother; daddy died 2000; Carolyn arrived in 1995 to give tender, devoted care to mother and daddy; my children uprooted from their college to assist willingly and loyally, devotedly by caring and assisted me (w) mother and daddy's rice living in their home, their own, familiar charming surroundings. My children arrived in 1998, allowing me to cont to work full time which allowed me to maintain excellent finances joined with said prof my mother and father's financial status, allowing them fine comfortable living. My family to reside exclusively on said property, one property occupying two lots 326 and 327, plus all tax even when ad...

I must have this reversed and the

Copy



Order Judgment Reversed- file

INSTALLMENT (more)

PIN: **5141100064**

AIN:

TAG: **2-1 TOWN OF MOUNT PLEASANT**

TIF:

Current owner:

SMITH CAROLYN TOLBERT [1 of 5]

Ownership type:

Tenancy in Common

Status: **Active**

County: **10-Charleston**

Situs address: **6TH ST**

Geocode:

Case:

Description: **Subdivision Name -SCANLON(...)**

Rev acct: **0010438883**

Pmt pln:

Class: **905 - VAC-RES-LOT**

Tax sale:

ACH pln:

Roll type: **Real**

Deed Tampering!

33%

No!

Legal Parties				
Party Name	Role	Percent of Ownership	Default Address	Communication Info
JONES BETTY JEAN TOLBERT	Owner	20% 16.660%	BETTY JEAN TOLBERT JONES PO BOX 6429 CHARLOTTESVILLE VA 22906-6429	Notes Edit
LATTEN SARA JO TOLBERT	Owner	20% 16.660%	SARA JO TOLBERT LATTEN 7095 HOLLYWOOD BLVD APT 597 HOLLYWOOD CA 90028	Notes Edit
TOLBERT KEITH L	Owner	20% 16.670%	KEITH L TOLBERT 52 WINDCREST DR COVINGTON GA 30016	Notes Edit
TOLBERT CHARLES	Owner	10% 33.340%	CHARLES TOLBERT 115 FRANKLIN TPK NO 259 MAHWAH NJ 07430	Notes Edit
SMITH CAROLYN TOLBERT	Owner	30% 16.670%	CAROLYN TOLBERT SMITH 338 5TH AVE MOUNT PLEASANT SC 29464-2708	Notes Edit

(W) my Title to Adverse Possession

The nephew referred to... Only one Deed of Dist is correct and relevant as to 338... Fifth Ave and 06th st. one property Part and Parcel a dwelling place compositzly by Mr and Mrs. Fred W. and Helen Grant Tolbert 1969 - 2003 for mother; daddy died 2000; Carolyn arrived in 1995 to give tender, devoted care to mother and daddy; my children uprooted from their college to assist willingly and loyally, devotedly by, caringly and assisted me (w) mother and daddy's rice living in their home, their own, familiarly charming surroundings. My children arrived in 1998, allowing me to cont to work full time which allowed me to maintain excellent finances wjoined with my mother and father's financial status, allowing them fine comfortable living. My family to still live exclusively on said property, one property occupying two lots 326 and 327; pd all tax even when, after 18, 19 yrs and exp stranded nephew not as sibling tried to reverse my pymt which too pd the taxes on us during 18 yrs and beyond.

Where there is total agreement among my children herein
named only, if there is 100% total agreement the equal
division

to

RECORDER'S PAGE



NOTE: This page MUST remain with the original document

Filed By:

COUNTS & HUGER PA
ATTORNEYS AT LAW
27 GAMECOCK AVE.
CHARLESTON SC 29407

RECORDED		
Date:	September 28, 2011	
Time:	8:58:18 AM	
Book	Page	DocType
0209	303	Deed/Dist
Charlie Lybrand, Register Charleston County, SC		

MAKER:

TOLBERT HELEN A G EST ✓

Note:

RECIPIENT:

SMITH CAROLYN T ETAL ✓

of Pages:

Recording Fee	\$ 10.00
State Fee	\$ -
County Fee	\$ -
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 10.00

Original Book:

Original Page:

Why all of these dates for one deed entered once and for all

AUDITOR STAMP HERE

RECEIVED FROM RMC

SEP 30 2011

PEGGY A. MOSELEY
CHARLESTON COUNTY AUDITOR

UPDATED *Pre*

PID VERIFIED BY ASSESSOR
SEP 29 2011

REP _____

DATE ASTRJB ?

235 ?

DRAWER
CLERK

** Last Will And Testament and Deed of Distribution
Probation date shown just above 09/30/2011*



0209
Book



303
Page



09/28/2011
Recorded Date



4
Pgs
No other Deed of Dist was needed until now



Original Book



Original Page



D
Doc Type



08:58:18
Recorded Time

Note: No Swearing on the Bible, God's Holy word occurs (w) #170 SC be fore one man judge and jury

Note: No place for signature of attorney accused of ang all and every filing and other legal matters. Ludicrous!

This is a set up for prosecutorial mis-conduct!

No more needed

False accusation by Andrew Carolyn T. Smith the target

Exhibit T1 T1 - I

Recorded twice or after Carolyn T. Smith signed the original and only one

RECORDER'S PAGE



NOTE: This page MUST remain with the original document

Filed By: COUNTS & HUGER LLC ATTORNEYS AT LAW P. O. BOX 80399 CHARLESTON SC 29416 (env)

RECORDED		
Date:	January 25, 2013	
Time:	11:28:59 AM	
Book	Page	DocType
0306	283	Corr/Deed/Dist
Charlie Lybrand, Register Charleston County, SC		

RMC BK 0306 Pg 283 : pg 3

Per rep. name/sig per G. Counts

Attys Counts alone

directed by Plaintiff

MAKER: TOLBERT HELEN A G EST *She is dead*
shaded 12/25/03

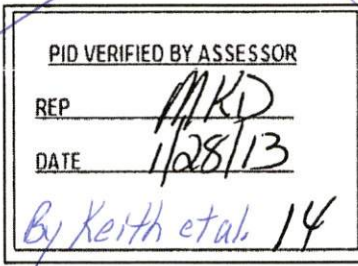
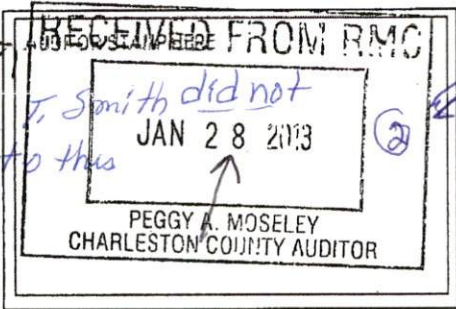
RECIPIENT: SMITH CAROLYN T ETAL *Sept 26, 2011*

Note:

# of Pages:	3
Recording Fee	\$ 10.00
State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 10.00

DRAWER CLERK: Drawer 2 SLW

Original Book: 0209 Original Page: 305



I'm accused of this I'm not capable of such

Exhibit corrected Deed not needed

See 2nd pg. Keiths doing

* I, Carolyn Tolbert Smith had nothing to do with this Jan 28 2013. Someone added the two squares just above.

Note please

Note please

0306	283	01/25/2013	3
Book	Page	Recorded Date	# Pgs
0209	305	D	11:28:59
Original Book	Original Page	Doc Type	Recorded Time

Above please see that without my doing and without my knowledge Counts, to accomodate substitute heirs wherein inheritance was passed down due to the death of parents of said substitute heirs, Counts and/or judge Scarborough and his Plaintiff. together corrected the Deed percentage. I never ever signed on to any corrective Deeds of Dist, note too no Deed Dist existed when Co-tenants were ousted. there!

843-958-4800 101 MEETING STREET CHARLESTON, SC 29401 www.charlestoncounty.org
 Carolyn Tolbert-Smith_264

E ge counts @ Counts and ^hHuger.com

843-573-0153

REPORT. 10/10/00

RECORDER'S PAGE

NOTE: This page MUST remain with the original document

Filed By:
COUNTS & HUGER PA
ATTORNEYS AT LAW
27 GAMECOCK AVE.
CHARLESTON SC 29407

MAKER:
TOLBERT HELEN A G EST

RECIPIENT:
SMITH CAROLYN T ETAL

Original Book: [] Original Page: []

AUDITOR STAMP HERE
RECEIVED FROM RMC
SEP 30 2011
PEGGY A. MOSELEY
CHARLESTON COUNTY AUDITOR

UPDATED
PID VERIFIED BY ASSESSOR
SEP 29 2011
REP
DATE ASTRJB
35

RECORDED
Date: September 28, 2011
Time: 8:58:18 AM
Book 0209 Page 303 DocType Deed/Dist
Charlie Lybrand, Register
Charleston County, SC

of Pages: 4
Recording Fee \$ 10.00
State Fee \$ -
County Fee \$ -
Extra Pages \$ -
Postage \$ -
Chattel \$ -
TOTAL \$ 10.00
DRAWER Drawer 4
CLERK LRR

I wonder?

The Circuit Court judge Master-In-Equity opened a can of words in this matter as he stooped to concur to have his licensed attys not

cont not fail while I not an atty simply a Godparent Godparenting 87 yr old Black widow prevail by all legal rights. cph

once and for all By Carolyn

Initial legitimate sound Deed and Distribution not needing any changes

Andrews, the judge and Kalivas are all part of the Conspiracy and Sabotage of the "hearing" Scarborough Scheduled for my argument(s) that counterclaimed Quiet Title, Sadly the judge's clandestine, ball, criminal scheme had him start the hearing up-side down and end one-sided his having cut out my argument. He never heard it just scheduled the counterclaim argument this appears to be the action of the demented. cph worse still the SC Council for Discipline sent my complaint to the SC Supreme at which could find no fault in in conspiracy(w) intent (a crime purely) nor find no wrong in the sabotage of the hearing which robbed me of my 6th + 14th Amendment Right(s)

0209 Book 303 Page 09/28/2011 Recorded Date 08:58:18 Recorded Time

Original Book Original Page Doc Type

1. Circuit Court's obstruction of justice Egregiously
2. SC court of Appeals
3. SC Supreme Court
4. The District Court For the District of SC

cc: justice

Blanton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, Charla McMillian, Charles Leon McMillian.

their heirs and assigns forever.

IN WITNESS WHERE OF the undersigned as Personal Representative of the estate of the decedent has executed this Deed, on this 17th day of January, 2013.

SIGNED, SEALED AND DELIVERED Estate of: Helen Alice Grant Tolbert

IN THE PRESENCE OF by Signature: Mrs. C. Smith
Carolyn Tolbert Smith O.E.C.

Witness: [Signature]

Witness: [Signature]

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PROBATE

Atty Counts,
Who is this person? Where did this take place?

PERSONALLY appeared before me Carolyn Tolbert Smith and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with [Signature] witnessed the execution thereof.

SWORN to before me this 17th day of

January, 2013

[Signature]

Notary-Public for South Carolina

My Commission Expires: 7-31-2018

Witness Signature:

[Signature]

Who is this?

BELOW, PLEASE SPECIFY THE EXACT NAME AND ADDRESS OF THE PERSON(S) TO WHOM TAX BILL SHALL BE SENT:

Mrs. Carolyn Tolbert Smith
338 5th Street
Mt. Pleasant, SC 29464

767 copies

Index Pleading

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-04058

Keith L. Tolbert
Plaintiff,
vs.
Carolyn Tolbert Smith, Charles Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Estate of Charla Tolbert McMillian,
Defendants.

* Note: My testimony was never heard at this hearing as promised. My constitutional rights of Due Process denied!

Judge Scarborough obliterated my scheduled hearing!

NOTICE OF HEARING - Painful!

Never occurred as ordered judge Mr. Scarborough and all others allowed in said judge's clandestine sinister conferences (2) consented to argue

what foreclosure?

* YOU WILL PLEASE TAKE NOTICE that a foreclosure hearing in the above entitled case has been scheduled for September 21, 2022, at 10:00 a.m., before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, at the Charleston County Courthouse, 100

Taking testimony?

Broad Street, Courtroom 2A, Charleston, South Carolina, for the purpose of taking testimony, findings of facts and conclusions of law and to enter final judgment therein without further order of the Court. Further order was required by law

Summary judgment first at hearing to counterclaim said summary judgment to quiet title

many judgment to quiet title would have lost. Because the judge shut me down illegally with my own attorneys consent with the judge and conspiring consenters, I am SMITH | CLOSSER, P.A.

Judge Scarborough did no such thing! Said judge created his own version of his chosen facts in the total matter.

Said atty of mine were simply catapulted out of Ct. The disaster continued wherein my guilty atty refused to appeal. Appealing would have shot holes in the follow up planie to give me title to the property but burdened with having to pay

William K. Kalivas
William K. Kalivas
SC Bar No. 80201
P.O. Box 40578
Charleston, SC 29423
843-760-0220
wkalivas@scnlaw.com

I need to what Charles taken from Charles, who her estate a nine; in Forh Boston law degree Dartmouth. Intestate?

August 22, 2022
Charleston, South Carolina
of thousands of dollars to the judges liking and to the liking of Charles and Keith the fighting, greedy, unworthy, estranged, & caring grandsons of the decedent. They contributed nothing at a holiday time. Keith Cam...

hundred of thousands of dollars to the judges liking and to the liking of Charles and Keith the fighting, greedy, unworthy, estranged, & caring grandsons of the decedent. They contributed nothing at a holiday time. Keith Cam...

copy 1

Select Page to copy
Two copies each pg

I now know how Judge

Copy to Katie Karim also
to Post and Courier

copy 2 on

Judge Scarborough deceived the SC District Ct. that a Counterclaim took place it's this

STATE OF SOUTH CAROLINA "DRAFT"
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

what?! → this is their

A Fraud! my family nor I ever heard my Bogus! Conspirer by an

Keith L. Tolbert, Draft that I had no way of knowing Plaintiff, something about this

COUNTERCLAIM CASE NO.: 2021-CP-10-04058

AMENDED ANSWER AND COUNTERCLAIM OF DEFENDANT CAROLYN TOLBERT-SMITH

Now we see why he scheduled the SCAM fraudulent v. → she acting with no opportunity given at hearing for my factual

Carolyn Tolbert-Smith; Charles Tolbert; Betty Jean Tolbert Jones; Sara Jo Tolbert Latten; and Estate of Charla Tolbert McMillan,

Bogus! This is bogus! I was not made privy of this

winning Counterclaim I'm just understand- ing how that Defendant(s) repugnant

that they decided in the dark behind closed doors! The judge orchestrated this conspired change of

DRAFT

Note: My atty, Metena Dunwoodie, sentenced me! She reneged on her agreed duty

Misrepresentation Turned Coat! consented

Defendant Carolyn Tolbert-Smith ("Defendant"), (by and through her undersigned to go counsel, hereby submits her Amended Answer and Counterclaim to Plaintiff's Complaint (the

NOT SO!

"Complaint") filed on September 2, 2021. In support of her Amended Answer and Counterclaim, Defendant states as follows: I stated nothing to any of

NOT MY Counterclaim!

these lies never shared with me before my atty Scarborough's counterclaim Not Carolyn T. Smith's

(1.) Each and every allegation of the Complaint not expressly admitted herein is denied, and Defendant demands strict proof thereof. where is proof? None! There is no lies!

(2.) As to Paragraphs 1 - 8 of the Complaint, upon information and belief, Defendant admits the allegations stated therein. Perhaps, I deny. What which allegations? I Carolyn was not present

ANSWER AND AFFIRMATIVE DEFENSE (Quiet Title)

(3.) The allegations of the preceding Paragraphs are denied in their entirety.

NO Complaint was filed (lines 1-3) on Sept 2, 2021. A Counterclaim was scheduled only for Sept 21, 2022. which Carolyn Ave, Worry in Torrance attended. But judge Scarborough refused to hear Carolyn nor her atty? Dunwoodie, Esquire. Why not? Carolyn Defendant had nothing to do with the conspired "Draft" "Draft" is a conspired substitute

This is Judge Scarborough's Copy

See pg suit of 9 dark, despicable gross case for me excluding me

Note, please hidden pertinent a bodily part

The Counterclaim of my Adversaries. Not mine

with the my attention of

of conducting legally, honestly, lawfully, fairly, truthfully, obediently to the laws of the U.S.A., "Due Process" to all, never robbing anyone of the opportunity to argue his genuine issue as to material fact. This Summary judgment for Quiet Title Lis Pendens is, "Bogus", a S.C.A.M. flowing from a S.C.A.M., fraudulent, one sided, upside down of a so called hearing. My Counterclaim was refused by judge Mickell Scarborough where he scheduled the hearing, where his agenda ^{was} for some foreclosure, Counterclaim and argument for my winning Case for "Title To Adverse Possession". My attorney acquiesced there. The judge ignored us all but heard the lies charging me of having executed the various Deeds of Distribution which my opposers did, William Kahvas and Ashley Andrews foster by Judge Mr. Scarborough and supported by Charles Tolbert and Keith Tolbert as well as by my own atty, Melenda Dinwoodie. Judge Mr. Scarborough had all these signed documents their consent to keep him on the case No. 2021 CP 10 04058.

It is notoriously reprehensible that this bold, ruthless shameless justice with no integrity is still hiding the fact that he did not schedule a hearing for what he deemed a conference convened by him, excluding me, to decide my case in favor of those he preferred to win or prevail who would have never prevailed had I been allowed, "Due Process!" Herein is and was his, "Motive," to obstruct justice, "Stoop To Conquer," says Shakespeare, yes! He had, "motive" and "opportunity!"

Judge Mr. Scarborough "Recused" himself too late herein. He committed the "Crime" of Conspiracy with "Intent" He also executed by sabotaging The Hearing 20 22, Sept 21st which was no hearing & herein only one side was heard a fraud and a S.C.A.M. took place that day Orchestrated by Judge Mr. Scarborough. He went on to gift my property, "Improvidently" to an estranged nephew who did not file the "Q & T" false law suit, Not any their qualifia for profit herein. They all abandoned the property

Please see Justia - Fender V. Heirs of J. Smashum. My Deed of Dist like the Smashum's defeats Quiet Title

Copy

4. A response is not required to Paragraph 9 of the Complaint, however, to the extent a response is required, Defendant denies the allegations stated therein and demands strict proof thereof.

5. As to Paragraph 10 of the Complaint, Defendant admits the allegations stated therein, except for the property address provided for "Property 2" with TMS No. 514-11-00-064, which Defendant denies. Upon information and belief, Defendant states that per the County records, the physical address of this parcel is listed as "6th Street" and that it is located on the corner of the 5th Avenue and 6th Street. For the remainder of this Answer, Defendant adopts the Complaint's use of "Property 1" to mean that parcel with TMS No. 514-11-00-065 and "Property 2" to mean that parcel with TMS No. 514-11-00-064. Collectively, Property 1 and Property 2 shall hereinafter be referred to as the Subject Properties.

Denies everything in #5 below

6. As to Paragraph 11 of the Complaint, Defendant admits that a Deed of Distribution was recorded with the Charleston County Register of Deeds Office on May 18, 2011

in Book 0188 at Page 003, whereby Fred W. Tolbert's interest in Property 1 was released to Helen Alice Grant Tolbert, Blanton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert Latten, and Carolyn Tolbert Smith. (As to the remaining allegations of Paragraph 11, Defendant denies same and demands strict proof thereof.) By way of further answer to Paragraph 11, Defendant states that, upon information and belief, the Deed of Distribution failed to identify all

intestate heirs of the Estate of Fred W. Tolbert, and the interests conveyed by said Deed of Distribution were therefore incorrect. Fred W. Tolbert was predeceased by his daughter, L.W.T. Frederina Tolbert, who, upon information and belief, died in 1995. Frederina was survived by her two children, Charla Tolbert and Charles Tolbert, who were both living at the time of Fred

W. Tolbert's death, and were therefore heirs to the Estate of Fred W. Tolbert.

No Deed of Dist became null and void per mother's law + Deed of Dist Irrelevant

#2 In spite of there no written existin Will left by dad's granddaddy of Char and Charles were Charles and Charla law

Fred Tolbert Abandoned his former Estate by death. His wife regained & retained her land and Fred never died. Intestate just as Charles mother possessed her promised land to daddy Estate never exposed claim I so

Cpls

NO!

one

Part and Parcel

adwelling and its yard

ad Deed of Dist

CR please

Copy

4. A response is not required to Paragraph 9 of the Complaint, however, to the extent a response is required, Defendant denies the allegations stated therein and demands strict proof thereof.

Error (persistent) Subject property is a double lot part and parcel integral

5. As to Paragraph 10 of the Complaint, Defendant admits the allegations stated therein, except for the property address provided for "Property 2" with TMS No. 514-11-00-064, which Defendant denies. Upon information and belief, Defendant states that per the County records, the physical address of this parcel is listed as "6th Street" and that it is located on the

only one property

corner of the 5th Avenue and 6th Street. For the remainder of this Answer, Defendant adopts the Complaint's use of "Property 1" to mean that parcel with TMS No. 514-11-00-065 and "Property 2" to mean that parcel with TMS No. 514-11-00-064. Collectively, Property 1 and Property 2

Part + Parcel integral

Note there is one "only"

shall hereinafter be referred to as the Subject Properties.

one Property Part and Parcel

6. As to Paragraph 11 of the Complaint, Defendant admits that a Deed of

Note: the property 326+327 = one Part and Parcel. All = dwelling and its yard

Distribution was recorded with the Charleston County Register of Deeds Office on May 18, 2011

in Book 0188 at Page 003, whereby Fred W. Tolbert's interest in Property 1 was released to

Helen Alice Grant Tolbert, Blanton William Tolbert, Betty Jean Tolbert Jones, Sara Jo Tolbert

Latten, and Carolyn Tolbert Smith. (As to the remaining allegations of Paragraph 11, Defendant

denies same and demands strict proof thereof.) By way of further answer to Paragraph 11,

Defendant states that, upon information and belief, the Deed of Distribution failed to identify all

intestate heirs of the Estate of Fred W. Tolbert, and the interests conveyed by said Deed of

Distribution were therefore incorrect. Fred W. Tolbert was predeceased by his daughter, L.W.T.,

Frederina Tolbert, who, upon information and belief, died in 1995. Frederina was survived by

her two children, Charla Tolbert and Charles Tolbert, who were both living at the time of Fred

W. Tolbert's death, and were therefore heirs to the Estate of Fred W. Tolbert.

Sherry Copied
The Evil Draft
connection

which Deed of Dist was incorrect, not the relevant Deed per mother's

ad Deed of Dist

#2 In spite of there no written existin Will left by dad's granddaddy of Char and Charles were Charles and Charla omitted to law

No Deed of Dist became null and void per mother's L.W.T. + Deed of Dist Irrelevant

OK please

power front + back

7. As to Paragraphs 12 and 13 of the Complaint, Defendant admits the allegations

and is guilty of Prosecutorial

Conti mis-conduc

stated therein.

in this Egregious Mis-Carriage of Justice

I know nothing herein offered

8. As to Paragraph 14 of the Complaint, (Defendant admits that Charla Tolbert

Charles give me no answers. I'm left

McMillian passed away,) but is without sufficient knowledge as to the remaining allegations of

said Paragraph.

Deny This is the judge's Counterclaim to benefit all except me

9. As to Paragraph 15 of the Complaint, Defendant denies the allegations contained

therein and demands strict proof thereof. By way of further answer, and with reference to

Defendant's Paragraph 5 above, Defendant states that upon information and belief the interests in

Property 1 are held as follows:

Deny

Please see what Charles has given himself as to 95. See illegal docs.

- Sara Jo Tolbert Latten 20%
- Carolyn Tolbert-Smith 20%
- Betty Jean Tolbert Jones 20%
- Keith L. Tolbert 20%
- Charles Tolbert 10%
- Estate of Charla Tolbert McMillian 10%

I don't admit to Charles with out proof by invest with a licensed investing

This proper distribution is justly based on mother's estate which sets on double lot + This stands on

10. As to Paragraph 16 of the Complaint, Defendant admits the allegations stated

therein. By way of further answer, Defendant states that, upon information and belief, the

grantees named in the Deed of Distribution recorded on September 28, 2011 in Book 0209 at

Page 303 were properly identified, however, they should not have received equal interests in

Property 2. Herein both lots are one property. They all belong to me by At and Possessio

11. The Last Will and Testament of Helen G. Tolbert dated October 8, 1974 (the

"Will") was probated with the Charleston County Probate Court as case number 2010-ES-10-

01356. Said Will includes specific bequests of Testator's interest in real property identified as

"my dwelling house situated at Remley's Point, Christ Church Parish," "my property at numbers

102 and 104 Nassau Street," and "my property at number 21 Line Street" to Testator's husband

during his natural life, and then to Testator's five children to "share and share alike." The Will

NO longer

Correction

Q-Testator

Error

is, "non specific," My means "my interest" "my" share My father's share was always

Tolbert's ber line/p

part + parcel integral

power ^{see ms} front + back
and is guilty of Prosecutorial

7. As to Paragraphs 12 and 13 of the Complaint, Defendant admits the allegations stated therein. *Cont mis-conduc in this Egregious Mis-Carriage of Justice*

8. As to Paragraph 14 of the Complaint, (Defendant admits that Charla Tolbert McMillian passed away,) but is without sufficient knowledge as to the remaining allegations of said Paragraph. *Deny This is the judge's Counterclaim to benefit all except me*

9. As to Paragraph 15 of the Complaint, Defendant denies the allegations contained therein and demands strict proof thereof. By way of further answer, and with reference to Defendant's Paragraph 5 above, Defendant states that upon information and belief the interests in Property 1 are held as follows: *Deny Please see what Charles has given himself as to 95 See illegal docs*

- Sara Jo Tolbert Latten 20%
- Carolyn Tolbert-Smith 20%
- Betty Jean Tolbert Jones 20%
- Keith L. Tolbert 20%
- Charles Tolbert 10%
- Estate of Charla Tolbert McMillian 10%

I don't admit to Charla with out proof by invest with a licensed investing

This proper distribution is justly based on mother's Estate sets on her dwelling which sets on double lot + This stands on Gamme

10. As to Paragraph 16 of the Complaint, Defendant admits the allegations stated therein. By way of further answer, Defendant states that, upon information and belief, the grantees named in the Deed of Distribution recorded on September 28, 2011 in Book 0209 at Page 303 were properly identified, however, they should not have received equal interests in Property 2. *Herein both lots are one property. They all belong to me by At vend. Possessio.*

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Correction
Q-Testator
Error

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No longer
Tolbert's or ber line/p
part + parcel integral

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"my" share My father's share was always

power front + back

and is guilty of Prosecutorial

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I know nothing herein offered Charles give me no answer I left

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Correction

Q-Testator

Error

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Tolbert's or ber line/p

** is "non specific" My means "my interest" "my" share My father's share was always part + parcel integral*

*Conspiracy Orchestrated
by a judge who abused his
power
and is guilty of Prosecutorial*

*Copy
front +
back*

7. As to Paragraphs 12 and 13 of the Complaint, Defendant admits the allegations stated therein. *Cont mis-conduc*

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Charles give me no answer. In 1987
Deny This is the judge's Counterclaim to benefit
all except me*

9. As to Paragraph 15 of the Complaint, Defendant denies the allegations contained therein and demands strict proof thereof. By way of further answer, and with reference to Defendant's Paragraph 5 above, Defendant states that upon information and belief the interests in Property 1 are held as follows: *Deny*

- Sara Jo Tolbert Latten 20%
- Carolyn Tolbert-Smith 20%
- Betty Jean Tolbert Jones 20%
- Keith L. Tolbert 20%
- Charles Tolbert 10%
- Estate of Charla Tolbert McMillian 10%

Please see what Charles has given himself as to 95% See illegal docs'

I do not admit to Charles' without proof by investigation with a licensed investigator

This proper distribution is justly based on mother's estate + this stands on her dwelling which sets on double lot + this stands on Eganville

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*Correction
Q-Testator
Error*

is, "non specific," My means "my interest" "my" share, My father's share was always

NO! NO longer

Tolbert's or ber line/part

part + parcel integral

See here
the original
Never legally
changed
"Decid of Dist"
See above wherein I
had no input here and was
and still am in disagreement
Judge M. Scar B my Winnable Claim
the Mis-Carriage of Justice instituted by
Judge M. Scar B on my side my Possession
Had I my atty: on my side my Possession
of Title To Adverse Possession
Prevails

Finkel

42. Upon information and belief, in light of these equitable factors and accounting, Defendant is entitled to a partition by allotment, with the Subject Properties to be solely titled in her name in fee-simple, to the exclusion of the other parties to this action.

**THIRD COUNTERCLAIM
(Attorney's Fees and Costs)**

Evil Draft

43. The allegations of the preceding Paragraphs are realleged as if fully set forth verbatim herein.

44. Pursuant to S.C. Code § 15-61-100, Defendant requests that the Court award Defendant reasonable attorney's fees and costs for this action.

WHEREFORE, having fully answered the Complaint, Defendant respectfully prays that this Honorable Court award the following relief:

A. Issuance of an order accounting for the common expenses related to the Subject Properties; *Plus Sweat Equity? My part in the appreciation*

B. Issuance of an order determining of the Parties' respective interest in the Subject Properties in light of the accounting and appropriate equitable factors;

NO! NO partitioning! Counterclaim to Quiet Title claim of 2021 by
C. Issuance of an order partitioning by allotment the Subject Properties in favor of Defendant and to the exclusion of the other Parties to this action; *Plaintiff KEITH*

D. Award of reasonable attorney's fees and costs incurred for defending this action; *claim disputing Deed Distribution comes now Co To Smith with*
tampered with by Cheryl that stole
I've been harmed irreparable harm of the daunting actions - now burning

E. Any further relief as this Court deems just and equitable. *peny*

blattered

*Quiet Title Take in -
Connect not to be
sequal, will out
New CASE*

*To me Pro Se
Postal Service certified mailings
'2022, '23, '24, 3 + 1/2 cts*

Note: The newly and illegally executed Deed of Distribution must be abolished and that the initial Deed of Distribution be restored as feature on page 5 of 9 in this Draft packet

[SIGNATURE PAGE FOLLOWS]

health impair digestive problems, stress that kills sleep deprived

will out

Finkel

42. Upon information and belief, in light of these equitable factors and accounting, Defendant is entitled to a partition by allotment, with the Subject Properties to be solely titled in her name in fee-simple, to the exclusion of the other parties to this action.

**THIRD COUNTERCLAIM
(Attorney's Fees and Costs)**

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44. Pursuant to S.C. Code § 15-61-100, Defendant requests that the Court award Defendant reasonable attorney's fees and costs for this action.

WHEREFORE, having fully answered the Complaint, Defendant respectfully prays that this Honorable Court award the following relief:

*This is an Egregious travesty of justice!
Who? is this?
I pray the dishonorable court off*

A. Issuance of an order accounting for the common expenses related to the Subject Properties; *Plus Sweat Equity? My part in the appreciation*

B. Issuance of an order determining of the Parties' respective interest in the Subject Properties in light of the accounting and appropriate equitable factors;

NO! NO partitioning! Counterclaim to Joint Title claim
C. Issuance of an order partitioning by allotment the Subject Properties in favor of *of* Defendant and to the exclusion of the other Parties to this action; *Plaintiff Keith*

To me Pro Se
D. Award of reasonable attorney's fees and costs incurred for defending this action; *claim disputing Deed Distrib*
Postal service certified mailings 2022, 23, 24, 3 + 1/2 cts and *tampered with by Chyneda that stole*
I've been harassed irreparable warning of the daunting actions - now warning

E. Any further relief as this Court deems just and equitable. *peny*

blitterated

Note: The newly and illegally executed Deed of Distribution must be abolished and that the initial Deed of Distribution be restored as feature on page 5 of 9 in this Draft packet

[SIGNATURE PAGE FOLLOWS]

health impair digestive problems, stress that kills sleep deprived

will out

*Joint Title Title m -
Connect not to be
equal will out
New Case*

The Guilty judici-
ary = Judge Scarbo-
rough and his co conspi-
rators

Index
Pleading
Exhibit

Attachment

State of South Carolina
County of Charleston

In The Court of Common Pleas
Ninth Judicial Circuit

Carolyn Tolbert Smith
Plaintiff,

Summons

File No 2021CP 1004058
CASE 2021CP 1004058

vs.

Judge Mikell Scarborough
The Heirs of Helen G. Tolbert
Defendants.

"Motion" that there
be no "Preliminary
Hearing" as to
Partition in the
Case written Above

2021 APR 24 PM 2:32
CLERK OF COURT

FILED

I, Carolyn T. Smith come before this honorable court
with sound, solid reasons as to why there should be
no, "Preliminary Hearing" nor, "Hearing," of any kind in the
above motion, Further CASE NO. 2021 CP 1004058
should be dismissed with prejudice.

No hearing here in pre-empts "mediation," According to
Judge Johnson, "the judge in the hearing herein just before
judge Cyburn Pope took this case. Beyond this. Judge M. Scar-
borough who finally recused or (reclused himself) and dropped
out of said case; egregiously obstructed justice ~~pro~~ before,
by gifting property that I earned, after having lived here twen-
ty eight, 28 yrs. and having satisfied all six (6) elements

Justice is
what
we're seeking

require for, "Title To Adverse Possession; then by deceit,
lies, Conspiracy and Sabotage convinced my own attor-

Cont'

ney to, "Turn coat on me; "Throw me under the bus;"
 forget her, "fiduciary relation," with me; go along (w)
 and consent to deciding me case and winning argu-
 ment, Counterclaiming, "Quiet Title," already. Reversed
 And Remanded by the SC Supreme Court in the Case
 "Fender Vs Heirs At Law Smashum," 2003; herein my case
 with two (2) secondary tenants who abandoned said
 property, one property part and parcel at 338 Fifth Ave
 and 0' 6th St., Mt. Pleasant integral my case was
 as the 2003 Case! The judge and my opposing attorney
 and co-tenants; "Motive," for stooping to Conquer by
 lying, falsely accusing me before the judge who's con-
 spired scheme was played out is wrapped up in this
 whole scenario. Here's the "Travesty of justice," the
 judge and his consenters, at the Sept. 21, 2022 hearing
 scheduled by this judge had consented to said judge's
 starting the hearing upside down and one-side. So
 judge. Mitchell Scarborough heard ONLY The/my oppo-
 nents in Summary judgment with nothing to Sum-
 marize having heard only my opponents not one nor my atty,
 who was to Counterclaim but acquiesced stood like a
 statue until, at the end the judge
 nodded to her. She gave him a paper,
 walked back to my family and me then
 shut the hearing down. He Improvidently
 ruled Order Judgment - Summary judgment to
 an estranged relative. This Case must END, NOW END

cc; The
 Congress
 of the
 USA
 cc: The
 U.S. Su-
 preme
 Ct.

✱
 ✱
 ✱
 ✱
 ✱
 ✱

Dated 04/23/2025
 Carolyn T. Smith
 338 Fifth Ave.
 and
 0' 6th St. P.O. Se
 Mt. Pleasant, SC 29464
 1873-216-6960

Note: All attorneys are notified electronically timely. Appellant is notified by U.S. Postal Service regularly. A Laws Esq. was negligent; notified me within four (4) days of 30 days limit!

SC Ct. of Appeals
Congress Xtra
Appeals Exhibit

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Exhibit

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Mikell R. Scarborough, Master-in-Equity

Case No. 2021-CP-10-04058
Appellate Case No. 2022-001815

Index

Order Judgment

Keith L. Tolbert, ... Respondent, *Improv- dently!*

Principal Matter:
The judge's Prosecutorial Misconduct here in

Carolyn Tolbert Smith, Charles Tolbert,
Betty Jean Tolbert Jones, Sara Jo Tolbert
Latten, and Estate of Charla Tolbert McMillian, Defendants

Of whom Carolyn Tolbert Smith is the Appellant,
and

Charles Tolbert, Betty Jean Tolbert Jones,
Sara Jo Tolbert Latten, and Estate of Charla
Tolbert McMillian are the Respondents.

MOTION TO DISMISS

Please take notice

my responses where the above point. I appeal that Athy Andrews is gifted at trampling upon justice freely.

Pursuant to Rule 201, I appeal the Order of Dismissal of this appeal due to Appellant's failure to comply with the Appellate Court Rules. Specifically, Appellant failed to file a written notice of entry of appeal within thirty (30) days after receipt of the Order of Dismissal. Appellant was represented by Malena A. Andrews at the hearing held on

Said Dismissal "Motion" against Carolyn's Appeal is the result first of opposing counsel with the judge's support is, pursuing a frivolous unneeded case in, "Quiet Title," but mainly because Carolyn's attorney kicked aside her Fiduciary relation, tied her hands to the opposers and refused to Appeal.

Ashley Andrews, Esq.
Estate of Charla Tolbert
Impossible
My doing

There were no counsel to appear for summary judgment without hearing argument per the genuine issue as to whether the appellant is entitled to a new trial.

→ Thank you Infinite
I am Carolyn T. Smith 87 yr. old Matriarch
in a family of 5 children of Fred +
Helen A. Grant Tolbert

→ Remaining are 3 children, siblings

→ I am Ct. appointed, Personal Representative
of my mother's Estate

→ I probated mother's "Last Will and Testament,"

*Sept. 26 2011 the only "Deed of Distribution"
came with the will 20% to ea. of the 5 sib-

blings * → My family and I seek justice and to be made ^{whole}

→ Jan 1, 1995 - 2 our eldest passed away, leaving
2 children. Ea. inherited 10% ea. - Charles + ~~Charles~~

→ 2015 our only brother passed, leaving one son,

→ Keith (W) 20% In 2020, mother discussed the Dist.

→ Mother's Will provided for her 5 children and
for their children in proper proportions as
proven above. I, Carolyn, offered to buy interest of heirs.

Heirs no longer negotiate! There was never a need to further "Deed di-
visions" ^{to} quiet the title with the existing "Deed of Dist"

→ legally in place (Sept 26, 2011).

→ Nonetheless Keith Tolbert shocked me with a
"Quiet Title Lis Pendens" "Dead-In-The-Water"
"Claim." A claim that the SC Ct. of Appeals Re-
versed and Remanded, based on Fender v "The Heirs
At Law Shamashums." It appeared that Fender
dropped his claim of "Trust", an element one of six
which Fender could not prove. Neither did he
prove his qualification for Quiet Title claim
The Ct. of Appeals considered the fact that heirs

elements
to be
proven

I've always been totally opposed to "G.T." + legacy! Please see answers 1+2 below

heirs proved that ea. one had $\frac{1}{8}$ Ownership in the undivided land. Fender was a cotenant now with Quiet Title claim defeated by the Dist. proven by the "Smashums".

The estate distributed to Revenue + Remanded Cause like Scar the we, the Carolyn T. Smiths have the same claim (w) all six (6) elements satisfied

to be granted Title to Adverse Possession based on Ten year exclusive possession, actual, notorious etc, etc. hostile consistent

The prospect that I would prevail in the matter was the "Motive" that drove a judge sworn to uphold justice, to take advantage of his opportunity and his tainted power to

"Abstract justice," and, "gift my position to my estranged nephews, Keith who filed and to A.K.A. Charles who collected. Both acted fraudulently."

File what? a false claim of "G.T."

Keith used a form indicating in part that he was Co-Rep to my mother's Estate. Fraud! In the heading itself it states that I relinquished my position as "Personal Rep" to my mother's Estate. Ludicrous!

1. That would be Counterproductive for me who was against his claim of "Quiet Title Lis Pendens."

2. The Smith Family has Vested interest in the parents and grandparents of ours, who entrusted us, their children, to preserve their legacy of hard work, love, care, thoughtfulness, foresight and most assuredly for the current and future total welfare of their children and posterity

He Orchestrated a Conspiracy with Intent (a crime) He executed said Consp' by Sabotaging the SCAM hearing he scheduled in Sept 2022

15 Sept 2022

+ Scar' was hours late for the hearing. I did not see Charles either until after Scar' arrived

+ Before the hearing my atty tried her best to turn me away from appearing before Judge Scar' Sept 21, 2022, Her discouraging ~~man~~ remarks included, "you only have a 5% chance of winning!" "Hes going to start with Summary judgment" And you have to go to Ct create, show that the court has been involved to prove "Duster" Not so!

+ Where did she get this idea? "enjoin him and opposing"

+ Since judge Scar' had her, my atty, ^{ie} Judge Scar', William Kalivas, Ash-Counsel all now Co-conspirators, ^{ie} Judge Scar', William Kalivas, Ashley Andrews, atty' Melena Dinwoodie now all caucasian judi-

ciary who consented to concede and did by documented signing consented to see that Scar' remain on the case the duration of the case. Herein all agreed to have my atty' Atty' Dinwoodie to Toss

+ her fiduciary relation (w) me and accept the judge's new plan
+ However the new plan robbed me of the following:

1. Robbed of my Due Process
2. " of my Atty' who refuse to appeal the S.C.A. Hearing Fraudulent with said judge's guilt now of Conspiracy with Intent prosecutorial misconduct a mis Carriage of justice, Obstruction of justice an producing of egregious Travesty of justice.

+ The judge was not aware that ~~the~~ others were and still are the only other Cotenants eligible to claim Title To Adverse Possession. He targeted only me

+ Said judge's "Improvidently Granting of my property to Charles Tolbert a total non-contributor like the other named Defendants requires Jury Trial" to undo the illegal, Unlawful process, processes this judge took to zealously build this monster of an egregious Travesty of justice

+ I am not the one to suffer this ungodly, repugnant, unnecessary saga that Plaintiffs must not be allowed to taunt my family me who are the givers who've sacrificed much to reciprocate the extreme love, devotion, care and service and so much more that my mother and father, my children's grandparents gave to us and to all of their children and grandchildren. Unfortunately it appears that only the family of Corporal W. Leroy and Carolyn Tolbert Smith has vested interest in the property a loving "Legacy," to Helen and Fred Tolbert Worthy parents; grandparent, platinum Citizens of God and Country who've left a positively

Notable mark on World Society, Daddy a vocalist and recipient of the only award winning plaque for Best Giddy wide Youth Choir of M.S.R.C. ever
Build Me Earned Colonel's Star

→ for generations according to mother's
→ Last Will and Testament's Intent. Of

→ I, Carolyn T. Smith took my Complaints

Pro Se to the following Courts is the SC Ct
of Appeals, The SC Supreme Ct. and to the
District Ct For the Dist^o of S.C.

→ I appeal the Order Judgment by Judge M.
→ Scarborough who scheduled a Hearing just
→ Sept 21, 2022 CASE CP 10 04058 to hear my
→ atty, Attorney Melena Dinwoodie argue on my be-
→ half to Counterclaim Quiet Title Lis Pendens

At the hearing I was the Plaintiff by ms Din-
woodie. She acquiesced, my family, my atty and
I were ignored. Foreclosure for some reason
was also scheduled but not heard. My atty, one
Cue with a head turn from the judge slowly
walked up to the judge; handed him paper(s) then
returned to our desolate corner.

The judge started the hearing upside down (w/
Summary judge argument from my opposi-
sors, heard nothing from me; asked all among
my opposers to speak then shut it all down.
See the packet, please, used as the well crches-
trated Conspiracy (w), "Intent," (A crime, I learn-
ed); Intent executed by the judge and all of his CO-
Consenting Saboteurs ^{who} Wase to Sabotage said
hearing accomplished. my family up from Miami
FL were dumbfounded, overwhelmed. I dis-
covered when my atty. failed to appeal on my
behalf that she tossed aside her fiduciary rela-
tion with me, enjoined my opposers and consented to, to Sabotage.
the

The fiasco, the mis-handling of the infamous "hearing" made me tardy in announcing my "Intent" to appeal. Ashley Andrews, Esquire filed a motion in this regard of my tardiness and motion came (w) with prejudice

I appealed but the SC Ct of Appeals ignored my plea for leniency due to the extenuating circumstance that my atty joined the opponents; destitute, I, under one of 3 exceptions to have the Supreme Ct review a case, was able to have said Ct. review my case based on the matter of the "Intent".

Please see Henning v. _____ After finding ^{no} numerous deficiencies in the Henning v. _____ enough to dismiss his case, the Ct gave that licensed atty. opportunity to correct his deficiencies but denied me the same opportunity though I was Pro Se unlicensed and (w) knew legal training, dropped by my former paid atty. and left dangling.

→ At the SC District Ct (w) jurisdiction and authority, the said, to overturn the case in the Circuit Ct but would not. They dismissed without prejudice, invited me to go to the U.S. Supreme Ct and to the Congress.

↓
Humbly we ask for justice herein; my trial by jury request in the SC Dist Ct. or; a gifting back some all that's been gifted to an absolute non-contributor; the estranged, strange, nephew who did not file the claim but is being lavishly, illegally enriched by what my family ~~has~~ has had accrued in value on the property; My, Carolyn's family alone gave to our parents and grandparents tender care; a new lease on life; beauty for the ashes left by the death of their extremely talented first born (w) the legendary voice. we kept the property from the state as we kept Ma + Pa in their familiar surroundings, in their own home ~~as~~ they desired. we gave them a vacation; personal celebrations; medical attention; church attendance; afternoon

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STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT

Ave Smith,)
Plaintiff,) Case No. 2024-CP-10-06162

vs)

Heirs of Helen Tolbert,)
Charles Tolbert, Keith)
Tolbert, Betty Jean Jones,)
Sara Jo Latten, Carolyn)
T. Smith,)
Defendants.)

*I showed you my mats
persecution by evil deed
of judiciary to include judges
fronting for and looking away
from the evil of our fellow
human broken and fed
you some refuse to believe the
low levels some would start to
achieve negative values other
one direction by it*

H E A R
BEFORE THE HONORABLE (

DATE: March 17, 2025
LOCATION: South Carolina Circuit Court 9
TRANSCRIBER: Jessica Antonucci

LEGAL EAGLE
Post Office Box
Greenville, South Carolina 29606
(864) 467-1373 -- depos@legaleagleinc.com

APPEARANCES

Ave Smith

Pro Se

William Kalivas, Esquire
Smith Law Group of the Carolinas
P.O. Box 50610
Summerville, South Carolina 29485

Attorney for the Defendant Keith Tolbert

Ashley Andrews, Esquire
La Fond Law Group, PA
544 Savannah Highway
Charleston, South Carolina 29407

Attorney for the Defendant Charles Tolbert

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EXHIBITS

(No Exhibits Were Marked)

(THIS TRANSCRIPT MAY CONTAIN QUOTE MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 JUDGE POPE: The next matter that I have on the
2 docket is a motion for Title to Adverse Possession, which
3 is 2024-CP-10-06162, Ave Smith versus Helen Tolbert
4 heirs.

5 CLERK: She is present here in the courtroom.

6 JUDGE POPE: I'm sorry, go ahead.

7 CLERK: I'm sorry, she's present here at the
8 courtroom, so the bailiffs are letting her in now.

9 JUDGE POPE: Okay, very good, thank you. So we
10 have, Ms., is it Ave Smith?

11 CLERK: Ave.

12 JUDGE POPE: Ave. We have Ms. Ave Smith entering
13 into the courtroom. And Mr. Kalivas?

14 MR. KALIVAS: Yes, Your Honor.

15 JUDGE POPE: Did I say it right?

16 MR. KALIVAS: You did, that was very good, thank you
17 very much.

18 JUDGE POPE: All right, Mr. Kalivas, we'll have you
19 -- we're just waiting for her to enter the courtroom. (We
20 have two motions, that's right, I read two motions, yeah.

21 MS. ANDREWS: Your Honor? I'm also -- I'm Ashley
22 Andrews, I'm also here for this. I'm representing
23 Charles Tolbert, one of the Defendants.

24 JUDGE POPE: All right. I'm sorry, Ms. Andrews.

25 MS. ANDREWS: That's okay.

1 JUDGE POPE: All right. Very good, Ms. Ave? Ms.
2 Ave Smith?

3 MS. SMITH: That's me.

4 JUDGE POPE: Very good. Ms. Smith, we have two
5 motions in this case today. We have a motion to dismiss
6 as well as a motion for Title to Adverse Possession.
7 What I'm going to do is hear your motion first, Ms.
8 Smith, that motion is first on the docket. Are you
9 prepared to go forward with that motion?

10 MS. SMITH: Yes.

11 JUDGE POPE: All right. Yes, ma'am, what would you
12 like to tell me?

13 MS. SMITH: That I have been living in this property
14 since 1997. This property has been my permanent
15 residence. My cousins, Charles and Keith, never lived in
16 this property ever. They abandoned my grandparents and
17 they abandoned the property. It's now 2025, I still
18 reside in this property and their -- they've never done
19 anything. The property is mine. I live there. I pay
20 the taxes. I pay upkeep. I pay for everything in the
21 house. They have never paid for anything. They have
22 never lived there. They've never had a key or spent the
23 night there since my grandmother passed away in 2003.
24 So, why they try to insist that they have a right to the
25 property that they abandoned I don't understand.

Exhibit

Key = My permanent resident since 1997 + Defendants

*have never had a key" never lived in the property never knew any
It appears that you appeared with your mind makeup + Superstition Court in building*

Exhibit

1 JUDGE POPE: All right. And you've been living
2 there since 1997; is that correct?

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3 MS. SMITH: Correct, on and off. When I graduated
4 college in 1999, I've lived in South Carolina. I went to
5 school here. I went to Trident. I went to MUSC. I work
6 at MUSC. This is my residence.

7 JUDGE POPE: All right. All right, very good. And
8 you are? I see. Okay, all right. Let me hear from the
9 attorneys who are representing the heirs, which would be
10 Charles and Keith. Mr. Kalivas, I'll hear from you
11 first, and then I'll hear from Ms. Andrews.

8

12 MR. KALIVAS: Thank you, Your Honor. May it please
13 the Court. Will Kalivas here, I represent Keith Tolbert.
14 And this is an action, Ms. Ave Smith is, if I'm not
15 mistaken, the daughter of Carolyn Tolbert Smith.

16 JUDGE POPE: Okay.

Exhibit

17 MR. KALIVAS: Who is a defendant in a lawsuit that I
18 filed on behalf of my client, Keith Tolbert Smith -- or
19 *up. Sept 20 21 the 18th* excuse, Keith Tolbert. That is a, bear with me here,
20 Your Honor, I think it's a 20 -- might be a 2021 case
21 *Sept 18th* that I filed that was for partition via title and Carolyn
22 Tolbert Smith, the mother of the Plaintiff here, filed a
23 counterclaim for adverse possession. *which has never been heard*

24 JUDGE POPE: Okay.

25 MR. KALIVAS: That *no! my atty family and I, Carolyn attended* (case came) to a hearing on the
The hearing was a SCAM a fraud

Exhibit

*The SCAM was one it a hearing was scheduled by Judge Mike
MiKell Scarborough who began the hearing (w) Summary Judgment; i ignored my
atty? my family and me; shut the hearing down then gave our home of 28 yrs to an estranged*

1 dismiss, but I'll submit to Your Honor it's (inaudible)
 2 consent order to quiet title and that would've been filed
 3 August 15th of 2022, and it breaks down exactly how all
 4 of what should be the defendants in this case, how their
 5 ownership interest in the property and it's basically
 6 2020, so five different defendants, they all own a 20
 7 percent.

8 So, that was filed in 2022. So, I don't see any way
 9 any adverse possession claim at this point could even be
 10 brought, unless it's from that point moving forward. And
 11 clearly that is simply not enough time to have passed to
 12 even entertain an adverse possession argument, let alone
 13 be able to prove it.

14 So, that is, and I think I speak for all the
 15 defendants on this, of course, the Plaintiff's mother
 16 wouldn't necessarily need to be a defendant in this case,
 17 because she also has an interest in the property. So, I don't
 18 believe that's everybody's position. I know that Ms.
 19 Andrews is representing Charles Tolbert filed an answer
 20 and counterclaim to this that asserts a lot of those same
 21 things. But that is where we are in this case.

22 That other case hasn't even gone to trial yet on the
 23 partition issue, but we have resolved the quiet title. This
 24 We have resolved the adverse possession claim as to the -
 25 - the co-tenant in possession of the property, and that

Which case
mine is different
So specify
K is in the
wrong case
(w) wrong info
Dist was in
in 2011 not
in 2020 -
I want the
proof
There is no
time limit on
Killing "In your
mis carriage of
power

Explain why you tampered with the sound recording
 So, that was filed in 2022. So, I don't see any way
 in 2011 proven you tampered
 any adverse possession claim at this point could even be
 brought, unless it's from that point moving forward. And
 clearly that is simply not enough time to have passed to
 even entertain an adverse possession argument, let alone
 be able to prove it. It's already proven you are
 So, that is, and I think I speak for all the
 defendants on this, of course, the Plaintiff's mother
 wouldn't necessarily need to be a defendant in this case,
 because she also has an interest in the property. So, I don't
 believe that's everybody's position. I know that Ms.
 Andrews is representing Charles Tolbert filed an answer
 and counterclaim to this that asserts a lot of those same
 things. But that is where we are in this case.

Tammy's
my 20% when I
am the primary
owner
Ethan

the shoe is now
on your foot

you by conspiracy stole my lawful
property
So, I trust legally
mine which
is all
mine
not the in
mine which
is all
mine
Speak Sensibly
Oh no Sir

NO neither
to me you

Oh no you
however

you have not even
mediated

you really

Do Tell how!

W. H. De Lemus
Morgan

Before this honorable Court I, Appellant
Ave' Smith humbly appear. My purpose is
primarily to set before this Court with vigor-
ous determination, the facts that have
been ignored and brushed aside delib-
erately, providing ~~for the~~ path for a corrupt
judge to ~~orchestra~~ ^{escape} repercussion for the crimi-
nal manner in which he arrived at the

Persecution
of Carolyn
Superior
District
1st
motive
Conspiracy
and
Motive to
Smit & Tara
lyn from
the Clendens-
Conferment
Engin Carole
Primaries
owners
2. Atty Melonie
Din Woodie
1. Orchestration
of Conspire

Improvidently" granting actually gifting ~~and~~
~~no other legal property the legal of the property~~
the property legally belongs to ~~Ave' me~~, Ave' Smith
who ~~has~~ resided at the home and grounds part
and parcel during the time my grandparents, ~~Fred~~ ^{my} ~~and~~
Mrs Fred and Helen Tolbert lived at, 338 Fifth ~~Street~~ ^{my} ~~and~~
Street - 1998 while my days in college; again \$2000

only him
eligible to
claim own
ownership
for two rea-
sons

permanently /
to present permanently, exclusive to all Respon-
dent. Because judge M. Scarborough gathered
this info' from relatives ^{of Carolyn} though not from Carolyn
as SC Masters - In - Equity are to do he learned
enough therein coupled w) Justia - Fender V Smarhorn

pgs 3, 4 ~~R.P. lines~~ "Fee Simple", Paragraph no
Abandonment
R.P. lines - 5 - , Page 5, 6 Paragraph - R.P.
lines Also Paragraph - R.P. lines -

Also pg 7 - -
Respondents refused Carolyn
Buy out offer during a Conf Call
Refused to negotiate \$500k (w) a hostile & drastic frivolous lawsuit T.
Creating an obstruction of justice < i's part
+ MOTIVE for the judge zealous to boot

{ 1
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is not the Plaintiff here, that is her mother, Ms. Carolyn Tolbert Smith, and that issue was resolved against her. So, I don't see any way that this Plaintiff

*You will be a lying man
Crazy you sound drugged!*

Lies!

Carolyn has a motion to Dismiss your case

{ 5
6

here can assert this same claim when her sole basis for residing on the property is in strict recognition of her mother's interest in the property, it's subservient to her mother's interest.

I, Ave am the only grandchild with vested interest here!

No darling her mother must dismiss your tainted claim

great

you improve deathly

MS. SMITH: That's not correct.

MR. KALIVAS: And it was already ruled against her.

JUDGE POPE: Okay, all right. Ms. Smith, I want you to hold onto that point because I'm going to go to Ms. Andrews and then I'll let you answer both of them at the same time. Ms. Andrews?

MS. ANDREWS: Your Honor, may it please the Court. I almost echo what Mr. Kalivas stated. So this appears to me just to be an attempt to file another appeal to the 2021 case. So, I would just want to point out also for the Court's record is that the -- one of the documents filed by the Plaintiff in this action references that 2021 case extensively.

So, the document that I'm referring to is the motion not to dismiss the motion; it was filed on February 14th of 2025. And so, again, this just appears to me to be another attempt to appeal from that 2021 case with, you know, Ms. Smith, the Plaintiff in this action being very

*You see what you need to see
not what is
Compromises
who who you Court*

*But you block your name
win legally you
use dismissal
with your name*

Please be advised that I And have held subject property Adverse To the Right

of all heirs now tenants ~~The SCAM. Needless law suit is irrelevant~~ 10
The transcript herein. I only need my title

1 well aware of the -- you know, of what took place in the
2 2021 case, not only by, you know, being the daughter of
3 one of the parties to the earlier case, but also because
4 she extensively mentions it in that document that she
5 personally filed with the court.

6 And so, you know, it's my client's position that she ^{None other than And husbanding in this matter}
7 really lacks standing to bring this action. You know, ^{who are you and}
8 there's been a lis pendens filed against this property ^{who is she}
9 since 2021, I believe, and, you know, this is a frivolous ^{here about?}
10 proceeding; and again, another attempt by Carolyn Tolbert
11 Smith, through her daughter, to appeal the 2021 case.

12 JUDGE POPE: All right, thank you. Now, Ms. Smith,
13 I'll hear from you. I'll hear your response.

14 MS. SMITH: So, that's incorrect. The fact of the
15 matter is this is separate. This is my interest is the
16 fact that I have put money into this property over these
17 past 20 plus years, that this is my home that I've paid
18 taxes on, that I've paid for upkeep, that I've paid for
19 renovations, separate from my mother.

20 This is my interest in my home that I have lived in
21 for over 20 years and as such these defendants have no
22 interest because they have not put any effort into
23 maintaining the property. ^{In addition the KieRed aside my ram- mab} They have not put any effort
24 into keeping the property out of the State's custody, ^{'Will' abandoned ma)}
25 because I helped take care of my grandparents who resided ^{and especially said property}

Accumulate Truth

1 in the property, thus the State did not claim the
2 property if they had gone to the custody of the State.

3 Because of my efforts I earned the property. They
4 abandoned it because they didn't put forth any effort.
5 They didn't put forth any money. They have no interest
6 in the property. They disregarded the property and my
7 grandparents, which is why I am suing for adverse
8 possession.

9 JUDGE POPE: All right. Ms. Smith, thank you very
10 much. What I'm going to do, Ms. Smith, and Ms. Andrews,
11 as well as Mr. Kalivas -- I lost it. I had it right and
12 now I've lost it, I'm sorry. What I'm going to do is
13 make a ruling on this, but I won't do that today. I want
14 to go back through some of the documents before I make a
15 final decision. All right? And so, -- did I lose you
16 Ms. Smith? Oh, there we go. All right. So look to hear
17 from me shortly with regards to my ruling. All right,
18 thank you. Is that 3:30?

19 MR. KALIVAS: Your Honor, we still have my motion to
20 dismiss the complaint in this case.

21 JUDGE POPE: Yes, you do. Yes, you do, I'm sorry.
22 I apologize.

23 MR. KALIVAS: That's all right.

24 JUDGE POPE: I apologize; I forgot that there were
25 two motions in this. All right, and so Mr. Kalivas?

1 MR. KALIVAS: Kalivas with a long "I".

2 JUDGE POPE: Kalivas. Mr. Kalivas, I'll hear your
3 motion, sir.

4 MR. KALIVAS: Thank you, Your Honor. Again, may it
5 please the Court. This motion is brought on behalf of
6 one of the defendants in this case, Mr. Keith
7 (inaudible). This is a motion to dismiss in lieu of
8 filing a responsive pleading. And there are several
9 grounds to it, one of which I alluded to in my last
10 argument, which is that this case at its very substance

11 appears to be an extension of the same claim brought by
12 the Plaintiff in this case's mother. A claim that was
13 ruled against by Judge Scarborough, after hearing the
14 facts and legal issues surrounding it.

15 And while I hear the Plaintiff's argument about she
16 has lived there and she has allegedly paid taxes and
17 things like that, which I'll submit to Your Honor, are
18 the same arguments that were presented by her mother,

19 that she had paid the taxes, so we'll have to at a
20 minimum figure out that issue. But, nevertheless, this

21 is a person who resides on the property because her
22 mother has a legal interest. The consent order
23 (inaudible) by, at the time it was Ms. Carolyn Tolbert
24 Smith's attorney, established everybody's interest in the
25 property. Her mother has a 20 percent interest in the

Please be aware that the crew of conspirators Saboteurs put me in a sticky we found justice Tolbert argument the stubborn despicable level indignity and wrong done which is your damn

*No 711 help
You're
Joint Bank
Beet
No sense*

*I'm provident by
this head nothing from me putting
ably in a garment
forcing the consent
I never had an opportunity to
Speak at judge Scarborough
hearing nor in his conference I was young
OR a cotenant to alone have an
She has a legal interest
more solid than Kendall
Corry County claim
100/100%
what part of Co unit is Balgging for you?*

Black sheep holding all the wrong cards remember!

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property.
The Plaintiff here has been living there with the consent and permission of her mother. And I cited a number of cases in my motion to dismiss on this, but the long and short of it is and I'll submit that adverse possession is typically a defense or a counter (inaudible) raised in cases as opposed to a complaint in and of itself, but -- so normally these cases that I'm citing to are speaking from the position of a defendant but, "That a defendant who has entered into possession under the Plaintiff shall not be permitted while he remains in possession to dispute the plaintiff's title."

So in this case that would be the Plaintiff here to her mother, Carolyn Tolbert Smith, because she lives there with her mother, who has already lost this issue, she cannot claim to dispute her mother's title to it. And there's a number of cases that more or less say the same thing, but where one enters into the possession of land, recognizing the rights of others therein, he cannot make his possession adverse without giving notice of his design to the owner or doing some kind of indicative of his adversary position.

And again, that would be the Plaintiff here to her mother, Carolyn Tolbert Smith, and there is nothing in the case or this complaint that would suggest that she

pg 13
This is the argument to opposing him and my name on the record

Red for
She pulled up root from Miami, FL where she worked for
Wishin an eye
Went to In Eye
according to SC law
would know all our
family dynamic
you to. But
is did not do
his honest job
He got + you as
into facing (w
more lies the
Discipline
Council of SC

Philippine
Beige not answer for
No thing. Can't you
Case is your best
for the case +

Irrelevant
Are lives her exclusive of all co-tenants and
exclusive of YOU!
I don't need to
She is positioned
like Fender
except for
Fender and you
Checks abi-
lity to Sabo
fy the su
alments
Why don't you know to
to express
yourself logically?

1 has done anything adverse to her mother's claim. In
2 fact, my understanding is she may have even appeared as a
3 witness at the motion for summary judgment that we had,
4 so clearly recognizes her mother's claim in the property,
5 And so just simply cannot have an adverse possession
6 claim, but that may be even getting too far ahead of
7 ourselves here.

Oh no! liar!
My child all
witness the
Sabotage by
you and your
clients which
left us, the
Smiths severely
harmed by
you who
uttered only the common
man's ~~do~~
not like
writing
when you cor-
respond
O d d!

8 The motion to dismiss is based on the allegations of
9 the complaint, Rule 12(b)(6). In these motions the Court
10 is to view (inaudible) alleged in the complaint in a
11 light most favorable to the Plaintiff, including all
12 reasonable inferences, deduce there from, and that if
13 those allegations, again in a light most favorable to the
14 Plaintiff, would entitle the Plaintiff to any relief than
15 a motion to dismiss is not proper.

16 And I would submit to Your Honor that having
17 reviewed this complaint, I not only do not see sufficient
18 allegations to stake a claim for adverse possession, but
19 I don't see allegation sufficient to sustain a claim for

20 any relief on behalf of this plaintiff. So, the
21 complaint, unfortunately it's short so I can read it into
22 the record simply says, "That Charleston County Court by
23 law is hereby requested to grant me, Plaintiff, title to
24 adverse possession reasons not limited to those cited
25 above." And there are none cited above. "Another

you're wasted and shallow and ~~are~~ incompetent
one does not need need of allegations Alleg above
are for your type. The Smiths rely on facts like
are not in fact. Not you - Sadly
for you

I see your sabotage
you sound like Nero

Whoever wrote the above has a screw loose in the head. I must
pray longer and more fervently for you, William & ops

1 know any other reason why those would even be included in
2 the pleadings to this case, but that is -- that is
3 Defendant Keith Tolbert's position.

4 I think this case needs to be dismissed just for the
5 simple fact that it fails to state a claim upon which the
6 Plaintiff could even obtain any relief from the Court.

7 JUDGE POPE: All right. Thank you so much.

8 MS. SMITH: Do I get to respond to that?

9 JUDGE POPE: You do, yes, ma'am. Uh-huh
10 (affirmative). Yes, ma'am, I'll hear from you.

11 MS. SMITH: Okay, so as far as -- the fact is I'm
12 not an attorney, so I don't know the exact way to write
13 these motions. But I know my rights. I know that I have
14 lived in this property with my mother exclusively. These
15 other relatives have never lived there. They've never
16 given any money or work to maintain the property.

17 I know they were not allowed on the property without
18 our permission because we had 17 Rottweilers and Pit
19 Bulls. So there's no way they would've ever set foot on
20 that property without my permission or my mother's
21 permission.

22 I also know everyone in that neighborhood knew that
23 was my house, that is my house. They know my mother
24 lives there. They've seen me walking the dogs. They've
25 seen me cutting the grass. Everyone knows that's my

1 house, where I work, where I live. My driver's license
2 has that address on it and has had that address on it
3 since 1997. My car is registered to that address since
4 1997. There's no doubt that anyone in the neighborhood
5 doesn't know that I live in that house. That's my house,
6 along with all the other money that I've put forth
7 (inaudible) have my claim to the property is separate
8 from hers because I live there and I pay my money towards
9 the property. She pays money towards it as well, but
10 just as if we were in a building of a duplex and somebody
11 pays their rent, and somebody else pays the other rent, I
12 have my own interest in the property, separate from my
13 mother's.

14 JUDGE POPE: Okay. All right, thank you, Ms. Smith.
15 What I'm going to do is to now I'm going to make sure
16 that I read both -- I have the oral arguments as well as
17 the written arguments, and so I'm going to compare my
18 notes and make a final ruling on that. You all will
19 receive that ruling shortly, just as soon as I can do
20 that. We have a full week this week, so if I have the
21 opportunity to rule this week, I will. If not, look to
22 hear that sometime in the very near future. All right?
23 Ms. Smith, Ms. Andrews, and Mr. Kalivas, thank you so
24 much.

25 MR. KALIVAS: Thank you, Your Honor.

1 MS. ANDREWS: Thank you.

2 MS. SMITH: Thank you.

3

4

5 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

6

7

Last Will and Testament

I, HELEN G. TOLBERT, presently residing in the City of Charleston, State of South Carolina, and being of sound and disposing mind and memory, do hereby Make, Publish and Declare this to be my LAST WILL AND TESTAMENT, hereby revoking any other Wills or codicils by me heretofore made.

IMPRIMIS: I direct my Executor and Executrix hereinafter named to pay all of my just debts and funeral expenses as soon after my death as may be practicable.

SECOND: I give and devise my dwelling house situated at Remley's Point, Christ Church Parish; also, my property at numbers 102 and 104 Nassau Street; and, my property at number 21 Line Street, to my beloved husband, Fred W. Tolbert, for and during the term of his natural life; and upon his death, I give and devise the said property to my five children, to-wit: Fredrena T. McMillan, Carolyn T. Smith, Blanton W. Tolbert, Betty Jean T. Jones and Sarah Joe T. Latten, to them and their heirs and assigns, share and share alike. Should any of my children [predecease me or my husband,] then that portion so devised to them by this Will shall go to the child or children of such deceased child or children. All other property, of whatsoever kind or nature, that I am possessed of at the time of my death, I give and bequeath to my beloved husband, Fred W. Tolbert.

THIRD: I hereby nominate, constitute and appoint my husband, Fred W. Tolbert, and my daughter Betty Jean T. Jones, as Executor and Executrix of this my LAST WILL AND TESTAMENT, to serve jointly and without bond.

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal, this 8th day of October, 1974, in Charleston, South Carolina.

6
05/12/2024
To The Tolby Law Firm

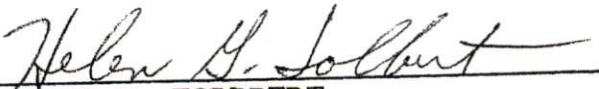
one child.

pay all of my just debts and funeral expenses as soon after my death as may be practicable.

SECOND: I give and devise my dwelling house situated at Remley's Point, Christ Church Parish; also, my property at numbers 102 and 104 Nassau Street; and, my property at number 21 Line Street, to my beloved husband, Fred W. Tolbert, for and during the term of his natural life; and upon his death, I give and devise the said property to my five children, to-wit: Fredrena T. McMillan, Carolyn T. Smith, Blanton W. Tolbert, Betty Jean T. Jones and Sarah Joe T. Latten, to them and their heirs and assigns, share and share alike. Should any of my children predecease me or my husband, then that portion so devised to them by this Will shall go to the child or children of such deceased child or children. All other property, of whatsoever kind or nature, that I am possessed of at the time of my death, I give and bequeath to my beloved husband, Fred W. Tolbert.

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IN WITNESS WHEREOF, I have hereunto set my Hand and Seal, this 8th day of October, 1974, in Charleston, South Carolina.


HELEN G. TOLBERT

2

This instrument, consisting of two (2) pages, was on this 8th day of October, 1974, subscribed to at the end on page one (1) hereof by HELEN G. TOLBERT, the above named testatrix and by her signed, sealed, published and declared to be her LAST WILL AND TESTAMENT, in the presence of each of us who thereupon, at her request, in her presence and in the presence of each other, have hereunto subscribed our names as attesting witnesses.

Janet L. Pittman

65 Spring St., Chas., S.C. (L.S.)

Ethel M. Singleton

65 Spring St., Chas., S.C. (L.S.)

Dewey G. Guston

65 Spring, Chas., S.C. (L.S.)

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