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# CAPTION

The South Carolina Court of Appeals  
From The Charleston Co. Ct. of Common Pleas  
Judge C. Chubburn 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 <sup>51st St</sup>

Mt. Pleasant, SC 29464

Ashley Andrews, Esquire

William K. Alivas, Esquire

Pro Se

Dr. Betty J. T. Jones — Pro Se

Atty. Alwyn T. Silver

Ashley Andrews, Esquire

Please See Addresses and Tel. Nds. Attached

Name

Monsieur Lyndon J. Smith


Addr.

2001 Meridian Ave.

Address

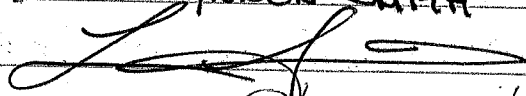
Apt. # 529

Miami Beach, FL 33139

This is to certify that I,  appeared, on Sept. 21, 2022, in the Chamber of Judge Mikell Scarborough, 100 Broad Street, Chas., SC 29401. I left my job and appeared to hear argument as to Carolyn T. Smith's argument counterclaiming what she claimed to be a frivolous case, the lawsuit, "Quiet Title Lis Pendens," filed by Keith Tolbert estranged cousin of mine followed up by estranged cousin Charles Tolbert. Both abandoned the property and never asserted ownership of the property at issue so no standing. Note that the judge cited here upon did the unprecedented! He ignored my family present with Carolyn's attorney; denied opportunity for Carolyn's counterclaim; started the hearing upside down, hearing Summary Judgment only; "robbing" Carolyn, "Due Process;" also ignored the "Standard of Review;" enjoined Carolyn's attorney with the opposing counsel; tying her hands as to appealing. Carolyn Prose, without counsel appealed. Opposers, Motion, to Dismiss with Prejudice, Carolyn's appeal <sup>won.</sup> Carolyn did not know to advise opposers of her Intent. So now the opposers prevail Improvidently by this judge's illegal obstructions.

Since Cardyn, an owner herein is one of three owners. And, is an owner and the lone, eligible owner to claim that she holds the property herein cited, "Adverse to all Respondents" ownership and profit herein. This argument is solid missed, ignored by judges before which this matter has appeared. The matter should go before a jury as requested herein.

LYNDON SMITH



Please see below notary's stamp

STATE OF FLORIDA  
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by means of (X) physical presence or ( ) online notarization this 25 day of March, 2026

By: Lyndon Jarvis Smith

Personally Known \_\_\_\_\_ OR produced identification X

Type of Identification Produced FL DL  
5530-630-73-298-0



ADRIAN MEDINA  
Commission # HH 722432  
Expires October 9, 2029

Since Cardyn, an owner herein is one of three owners. And  
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herein.

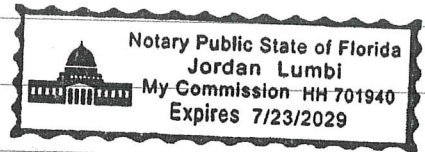
*Jordan W. Lumbi*

Please see below notary's stamp

STATE OF FLORIDA  
COUNTY OF MIAMI DADE  
Sworn to (or affirmed) and subscribed before me  
this 11 day of MARCH, 2026,  
by TORRANCE WILFRED SMITH

*Jordan W. Lumbi*  
PRINT TYPE OR STAMP OF NOTARY

Personally known \_\_\_\_\_  
or Produced identification ✓  
Type of Identification Produced FL-DL



Name  
Addr-  
Address

Monsieur Terrance W. Smith  
9357 S.W. 77<sup>th</sup> Ave.  
Apt. # 809  
Miami, FL 33156

This is to certify that I, Juan W. Smith Terrance W. Smith  
appeared, on Sept. 21, 2022, in the Cham-  
ber of Judge Mikell Scarborough, 100 Broad  
Street, Chas., SC 29401, I left my job and  
appeared to hear argument as to Carolyn T.  
Smith's argument counterclaiming what  
she claimed to be a frivolous case, the law  
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dently by this judge's illegal obstructions.



Index Principal Matter: The "Fake" S.C.A.D. Summary Judgment  
Order Summary Judgment Judgment by Judge Scarborough



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

Electronically signed on 2022-11-08 12:27:05 page 6 of 6

ELECTRONICALLY FILED - 2022 Nov 08 2:58 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1004058

9

2

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.

**ORDER GRANTING  
SUMMARY JUDGMENT**

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

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

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

Order  
Order Summary  
Judgment

Principal Matter: The Improvidently  
granted Summary judgment  
herein 411 pages

1.

"Order Granting Summary Judgment," by conspiracy, "Prosecutorial mis-conduct," mis Carriage of justice, "Obstruction of justice," and a Travesty of justice

Firstly - The "Quiet Title" law suit is a false law suit, line 1 of 14, on pg 1 - of 5 See the omission of the name of the law suit. The writer hides the fact the law suit is "frivolous," without merit without need. Please see attached is "Why Do I Need A Quiet Title Law Suit," by

You will not see one reason to Quiet Title my Title per (to our property subject herein - Said property had no further need for quieting title judge Scarborough saw that my general atty, Atty George Counts filed a perfect "Deed of Distribution" with Mother's Last Will and Testament in and about 2011 and 2013. This judge wasted time and citizens' money searching for a reason to steal from Carolyn and consequently Carolyn's children. They came to assist with continuing to provide sterling happy content living for their grandparents

He at line # 2, Talks of my Counterclaim. He forgot to say that there was "Never" a Counterclaim to Quiet Title. He, at my hearing, to, "Counterclaim," "REFUSED," to give an opportunity to speak with did my atty speak. I later learned that he enjoined her telling her

that the others consented to having him remain on the case the duration. What could she do hands tied.

Line 3 pg 1 of 5 Keith filed the Quiet Title. Charles filed the unsavory Summary judgment as did Fender whose Quiet Title matter was Reversed and Remanded. Judge Mr Scarborough finally, "Recused" himself, leaving Ave to Uncle

This case gifted to Charles Talbot is "MOOT," <sup>1</sup> "priv-  
lous" i.e. "Quiet Title" and ~~its~~ "Defeated" by the ever exist-  
ing pure Deed of Distribution Tampered with after the  
judge and their Co Conspirators saw that they needed to  
legitimize their false frivolous "need TO Quiet what  
was gifted perfectly by Betty George Counts 2011-18  
Line 5 ~~pg 10 of 5~~ This Shameless judge continues to  
delve and delve into deception OK lines 5, 6, 7, 8 He  
fills who was at the Sept 21<sup>st</sup> 2022 hearing while  
biding his "Repugnant"; Reprehensible behavior of  
"Sabotage ~~of~~ my Right" to "Due Process," a fed.  
offense - Page 1 of 5 line 8 - I, Carolyn am the  
Personal Representative of my mother's Estate. I am  
Court appointed. He Charles cannot be put into  
my Ct. appointed position for his deceased sister whom  
he said died intestate. This judge enjoys abusing  
his power - Page 2 of 5 - line 8 and 9, 10  
Judge Scarb had no need to opine any of the per-  
centages already filed in the probate court Sept 26/  
2011 Case 2021 Cp1004058 filed by Keith Robert in  
2021 should be "moot" See judge ~~with~~ Scarb  
rough dance around the crucial particulars in  
his Conspired, fake Summary judgment granted to  
Charles Talbot + Nov 8, 2022. See pages 1 and  
2 of ~~page 5~~ See "Finding of Facts pg 2 of 5"  
Line +5 where he neglects telling to admit the date  
of the filed, "Deed of Distribution," E.g. Kahrin  
her saying in Circuit Court it was filed in Aug  
2026 See transcript, his Testimony before  
judge Courtney C. Pope. See pg 3 of 5 where  
the judge herein blatantly falsely accuses me of  
executing several Deeds a corrective Deed Jan. 17, 2013 Lies!

1 2 in the Complaint, is a vacant lot located at the corner of 5<sup>th</sup> Avenue and 6<sup>th</sup> Street, Mt. Pleasant,  
2 South Carolina.

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

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

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

**FINDING OF FACTS** - *Non-Facts just lies and deception*

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  
5 Probate File No. 2010-ES-10-01356 (the "Estate"). *when? I'll tell it in Sept 26/2011 once and for all. you falsely accused my Carolyn of executing several corrective deeds that you and your co-conspirators did, if our case that 'Katherine Charges me with as your doing in your, "abhorrent way Truly abhorrent"*

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).

*See line 3 above this judge refused to hear my counterclaim to "Quiet Title" so that he created his path to "deny" that there were countless issues genuine like my having satisfied all six*

**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

*Cont I satisfied the 6 Elements to satisfy to be able to claim Title to Adverse Possession*

See pg 4 of 5 - lines 1-19 I, Carolyn J. Smith  
accomplished in 10 yrs. Now more in 20 yrs. and  
headed toward bigger and better accomplishments  
herein. Scarborough knew that I had accomplished  
all the requirements to prevail over the false  
claim "Quit Tite". It was his motive for flex-  
ing his muscles of power, power and pure evil with  
no regard for God nor godliness.

Of course his written conclusion is connected  
to all his previous lies and deceptions. He's  
trained his co-conspirators well just as his co-  
conspirators gave him the low despicable tricks  
they have learned following Satan's ways.

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

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

15 The conduct and nature of the possessor's exclusive adverse possession must be  
 16 sufficiently clear to "bring it home" to the other cotenants. See *Watson v. Little*. Possession with  
 17 the permission of the cotenants does not meet the requirements of ouster. Ouster may be presumed  
 18 by possession only if possession is continued for a period of twenty years. See *Freeman v.*  
 19 *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 5<sup>th</sup> 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! *Pity! Reign Jesus, Reign! ejs*

Song  
I may not be able to part the water  
" " " " " calm the storm  
" " " " " to bring my giants down  
Thank God I'm not alone.  
For there is a power that is greater  
So I go ahead in faith,  
I'm standing in the confidence  
That even though I can't  
My God can. ejs

Index  
Pleading  
Exhibit-

## Index "Pleading" Index

1

Below please find the Principal Matter Case 2025000893

I, Ane Smith again plead my Cause before this honorable SC Court of Appeals. I hereby appeal the Order, judgement, and the "Decision," handed down by the Circuit Court judge before whom I appeared on Mar 17 2025. My "Motion," was for my certain entitlement to, "Title To Adverse Possession" which per the subject property is legally mine. See R. Ppg 3, lines 12-33 of document, "Justia" - Fender v Smashum 2003-2005. The focus is "Abandonment," by all Defendants and their non-assertive acts toward subject property for forty yrs or more: For 10 yrs after 2003, 2013 I claimed that I held ownership Adverse to the ownership and profits of all other cotenants. yrs after Dan Mathelen passed away, eighteen yrs after, estranged Cousin/estranged nephew/estranged, non-contributing gran' and other, "Absent heirs," "Equity ONLY Claimants" in hostility filed through Keith, the "frivolous," lawsuit unnecessarily is "Quiet Title Lis Pendens." Unlawfully, this judge, Master In Equity, more so (In equity) gave to Charles Tolbert my earned property. Other "Key" elements I put in clear focus - "Actual" - who ever had a Key to the home? I and the Smith family, who ever lived there? If the owner had the Key, the residency for more than 20 yrs? I have, by disavowal of all cotenants, I pd. the taxes,;

1 / 8

3.  
Cont' The Six Elements Satisfied illegally by "Ob-  
structions of justice," unprecedented!"

(3) The sixth and final element which were all sa-  
tisfied lawfully in 2013, ten yrs (10) yrs after the  
death of D<sup>o</sup> An<sup>a</sup> Ma' Helen Tolbert. Keith Tolbert fil-  
ed his, "frivolous," law suit, 2018. Judge Scarbo-  
rough, pursued this law suit. There after his mo-  
tive was to have the Plaintiffs prevail justly? (Im-  
possible) or unjustly (OK) Not OK.

The sixth element is (6) "Exclusive." Appellant lived  
exclusive of all Respondents named; cited above.

(4) 4<sup>th</sup> item in Preliminary Statement of Reference

For The Final Brief - See Exhibits,  
4<sup>th</sup> item Bloomberg Law Report as to; Injuc-  
tive Relief, Preliminary And Permanent. Please See  
exhibits labeled

5. "Last Will And Testament" Of The deceased - Kicked a-  
side by Respondents, the judge and opposing Counsel.

6. "The Holy Bible," Verses therefrom

7. Evidence of Judge M. Scarborough's Conference  
\*and Affidavits of his "Sabotage" of the hearing  
he scheduled for him to hear Carolyn's Counter-  
claim specifically to, "Quiet Title Li's Pendens"  
deliberately not allowed at said hearing. Caro-  
lyn, her family up from Florida to hear the argu-  
ment heard nothing from Carolyn's side. That judge

ignored, overlooked and refused Carolyn's Court-  
 or claim argument; heard only summary judgment  
 which should have followed Carolyn's argument. He  
 threw her the hearing down, leaving Carolyn and family  
 dangling, baffled, dazed! He dismissed Carolyn's  
 case by gifting Carolyn's then home and grounds  
 to an estranged, abandoned, "Absent heir", "Equi-  
 ty Claimant only Charles Tolbert non-contributor,  
 part of this judge's co-conspirators in the judge's  
 Orchestrated Conspiracy to "Sabotage" Carolyn's  
 scheduled opportunity to have prevailed, to have  
 defeated Quiet Title in Case 2021cp1004058 just  
 as the SC Court of Appeals Reversed and Remanded  
 a similar case in the District of SC, another town.  
 An equally divided, "Need of Distribution," De-  
 feated 'Quiet Title,' along with that Circuit Court  
 judge's, neglecting to hear, "genuine issues as to  
 material fact from Carolyn glaringly available had  
 'Judge M. Scarborough," "not refused to hear both sides"  
 a "Mis Carnage of justice!" Atty: Kalivas' attempt to  
 "Cover", this judge's, "Travesty of justice," due + pre-  
 judice toward Carolyn ends up in incoherent, "mumble  
 jumble" see, please Transcript pg(s) First Page 7, line  
 #4 Mother's interest is the entire property as to by Title to Adverse  
 Possession here. She proved, "Ouster," the judge overstepping  
 his authority, decided that Carolyn could not prove

prove "Duster." She did have easy proof. This judge refused to allow the proof of "Duster" and all other proof in at the hearing that he "sabotaged," (w) the help of Charles Leon M<sup>rs</sup> Milliam, III, AKA, Charles Tolbert, Ashley Andrew, Esquire and Wil' Kalivas, Esquire. Pg. 7, line 6-9. I pray \* you have Kalivas, Andrew or the judge cited produce the extremely important, "Oral input" by Carolyn who had all the facts that said judge knew that ~~she~~ had pro' Carolyn's claim at the hearing, Sept 26, 2022. Have them, even though said judge hereupon cited, "Recused" himself after an Oct 30, 2024 ~~or~~ hearing to sell my property but he fail to notice Carolyn. The judge, Kalivas and Andrews were at the time discussing behind Carolyn's back, the 50% of Carolyn's homestead where she resided close to (30) thirty yrs. certainly 28 yrs. She was 86 or 86 yrs of age at the time. Carolyn learned about said Oct, 30<sup>th</sup> hearing via the general atty' and her banker. Carolyn knew nothing about the "Quit Title Consent," She was bitterly against that, "frivolous," law ~~suit~~ suit that, "motivated," the judge and Co Conspirators to "tamper with the," "Deed of Distribution" filed not, Aug. 2022 by Sept 26, 2011. Their law suit required a show of major deed problems. The judge cited was certain, with "Motive," for you opposing Council to prevail "he stooped to Conquer." See pg. 7 line 8. Be assured that the hearing described in writing as a hearing specifically to hear Carolyn's Counterclaim. It was, "that,"

1  
 The "Motion," for Summary judgment also Ordered by Judge Mikell Scarborough, having barred Carolyn T. Smith from participating by Counterclaiming Quiet Title Lis Pendens was "Ordered as Summary judgment," granting Charles Tolbert the property at the time belonging to the Primary Owner for 20 plus years i.e. Carolyn T. Smith was "Improviently," Ordered by the judge cited above

See now, please Transcript still on pg 7, lines 9-19 already Rebutted as to all statements being invalid simply a thin smoke screen in an attempt to cover up their "Sabotage," Carolyn's "Right," to counterclaim, "Quiet Title Lis Pendens," and the criminal "Conspiracy with Intent," Orchestrated by Judge Mikell Scarborough and agreed to by opposing Counsel and by my own Atty, who appeared tense and afraid, nervous at the hearing, Sept 26, 2022. Our family members were stunned & the opposers with the judge discussed Quiet Title Lis Pendens, their lawsuit only. The judge ignored our family only interfering with his conspirators who had given written consent to keep this judge on the case the duration of the case. Their "Sabotage" was executed. None of Carolyn's issues, genuine issues as to material fact was heard at said hearing in spite of the cri-

Cont'

in spite of the obvious Conspiracy by this judge and his co-conspirators to "Sabotage" said hearing and steal Caralytz property and tamper with the initial 'Deed of Distribution', they had to return to it. When attempting to acquire 'Corrective' Deeds they were giving to Charles Tolbert who said he, abandoned, Equity Claimant only, wanted to buy my land I, a Cotenant and only grand? at this point eligible to claim it, having lived here more than twenty years while all other cotenants abandoned neither asserted ownership in eighteen yrs. In addition Atty. Kahias ~~erred~~ pretending that I, Appellant am not a cotenant as is "Fonder" in "Fender v. Smashum," except that I easily Dusted the Respondent, once Plaintiffs. He ~~erred~~ again stating that I did not state clearly a Cause as to the hearing before the honorable Judge C. C. Pope. See exhibit I pray the opposing Counsel to support any and every Claim they have for Charles to have property kept and preserved by caring family members - with vested interest in the ~~decent~~ and in our home. The opposing judge and Counsel erred in even filing and in pursuing the needless lawsuit. Quiet Title against a 'Deed of Distri.'

*Index  
Testimony*

*Principal Matter; judge Scarborough scheduled two or more agenda items to hear at the the 2022 Sept 21st hearing. The judge apparently did not expect me, Carolyn to appear at my own hearing. He ignored my family and me and refused to hear my all prevailing*

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 Counter-  
FOR THE NINTH JUDICIAL CIRCUIT CLAIMS  
CASE NO.: 2021-CP-10-04058 *He did not*

NOTICE OF HEARING

YOU WILL PLEASE TAKE NOTICE that a foreclosure hearing in the above entitled case

- 1 has been scheduled for September 21, 2022, at 10:00 a.m., before the Honorable Mikell R.
- 2 Scarborough, Master-in-Equity for Charleston County, at the Charleston County Courthouse, 100
- 3 Broad Street, Courtroom 2A, Charleston, South Carolina, for the purpose of taking testimony,
- 4 findings of facts and conclusions of law and to enter final judgment therein without further order of
- 5 the Court.

*Questions I heard on this a foreclosure*

SMITH | CLOSSER, P.A.

*1. why more than one item on the agenda?*

s/William K. Kalivas

*2. why was I not permitted to have my counterclaim heard as scheduled?*

William K. Kalivas

SC Bar No. 80201

P.O. Box 40578

Charleston, SC 29423

843-760-0220

wkalivas@senlaw.com

*3. why is this hearing now termed Medit something.*

August 22, 2022

Charleston, South Carolina

21-280

*4. What is a foreclosure hearing?*

*5. why has no one*

*For the sake of justice, we must have oral argument*

*shared anything*

*with me about*

*a foreclosure*

*who defaulted on a mortgage*

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,

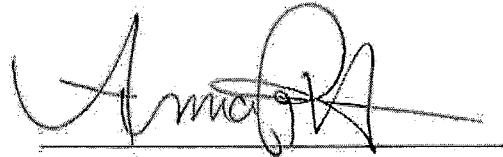
Defendants.

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

CERTIFICATE OF SERVICE

I certify that on this date, I personally served a copy of the Notice of Hearing in the within matter, by depositing same in the United States Mail with sufficient postage attached, and addressed as follows:

Sara Jo Tolbert Latten  
7095 Hollywood Blvd, #597  
Hollywood, CA 90028



Anna Pittman

August 22, 2022  
Charleston, South Carolina  
21-280

Index Principal Matter

Hearing "Sabotage," barring Carolyn's testimony

cont' rolines testimony wherein Carolyn's testimony would prevail!

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

this judge had motive and opportunity. "Remedy at law" for me? None judge Scarborough obliterated my scheduled hearings!

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

Consent with the judge and conspiring consenters, I and SMITH | CLOSSER, P.A.

Continued wherein my guilty attorney refused to appeal. Appealing would have shot holes in the

follow up plan is to give me title to the property but burdened with having to pay here

hundred of thousands of dollars to the judges liking and to the liking

of Charles and Keith the fighting, greedy, uncaring grandsons of the decedent. They contributed nothing to

atholiday time. Keith came only for daddy's not mother's funeral. Charles

answered my daddy invitation to their main holiday

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 know

what Charles has

taken from

Charles, what's

her estate a million

in Forbes

line? In Forbes

Dartmouth. Into state?

estrange, un-

carrying

grandsons

of the decedent.

They contributed

nothing to

atholiday time.

Keith came only

for daddy's not

The hearing was a "S.A.M." fraud! Judge Scarborough refused to hear Carolyn's side!

Taking Testimony? No! What testimony?

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

26



①

Index Principal Matter: Grave need for Judge  
Order Summary Judgment Scarboroughs Clarifi-  
cation of his switch-

ing the name, "hearing" and its  
meaning to, "Merit," per his scheduled  
"hearing," specifically to hear Carolyn Tolbert's,  
"Counterclaim," plus some kind of foreclosure etc.  
Since I, Carolyn was excluded from this judges  
Conference where the judge sat with, Esq, William  
Kalivas, Esq, Ashley Andrews, Carolyn's atty. and  
other opposers to Carolyn's, "Title To Adverse Pos-  
session" claim already satisfied by SC law, sanc-  
tioned by the SC Court of Appeals in Justice re-  
port of Fender V. Smashuma; Carolyn only aware  
of the Sept. 21, 2022 "HEARING," where judge Scar-  
borough, supported by the, "Co-Conspirators," Kalivas,  
Andrews, M. Dinwoodie and others whose signed con-  
sent proves the, "Sabotage," of the, "Hearing," the judge and  
co-conspirators agreed upon.

The clandestine, unprecedented action Orchestrated  
by judge Scarborough, this, "conspiracy," with intent is  
a felony crime. The, "motive," was and is to gift my pro-  
perty to, "Equity Only claimants ie those who contributed  
nothing but, "Stoop To Conquer," everything. Judge, ju-  
diciary et al. lack some crucial God statutes, Precepts  
and warnings. "Be ye not deceived, God is not mocked."

Index  
order Summary judgment

2

What you "sow," you shall surely "Reap." Also He said "He who does not work does not eat." He tells us too; "Seek ye first," the "Kingdom of Gods," and its, "righteousness," and all these things shall be given unto you. Let us follow Christ one of Gods messengers. He presents all our requests or prayers before God and says to us, "Behold I set before you blessings and curses, life and death. Choose life.

Admit that judge M. Scarborough, by his actions herein written cheated, committed, "Prosecutorial - misconduct," a, "Mis-Carriage," of justice and a "Trajectory of justice," against God's humble servant, Carolyn, who offered to grant each of you fifty thousand dollars each (\$50,000.00 dollars) and take on the burden of refinancing, remortgaging the property and paying off the mortgage. not only did you neglected to negotiate, solve our problem out of Ct. by passing greedy entities therein. Keith told Blanton, his father that he was going into Ministry. This is not the way. God guide and govern Keith and all of us, you my God, are our father. you will, now and forever lead, guide love and direct us and will put us back on the straight and narrow path so that we abandon that broad road to destruction. God bless us all. eph

# Index

Exhibit

Principal Matter - Injunctive Relief & Stress, oppression, Persecution

SC District Court for SC

Cont. The Matter At Hand

Calculatedly this judge, MiKell Scarborough, in his Conspiracy Conference <sup>did</sup> plan and later executed their plan at hearing to exclude my argument as previously and legally scheduled. I informed the SC Discipline Counsel. I named Judge MiKell, Scarborough, Melena Dinwoodie, my own atty. who "Turned Coats" on my fiduciary relation with <sup>her</sup> Ashley Andrews, William Kalirae for Keith La Troy Tolbert; A. Andrews for Charles Leon McMillian, III A.K.A. Charles Tolbert. After countless month, I heard not from the Counsel but now from the SC Supreme Court, finding no harm done regarding the illegalities by those sworn to uphold the law but who demolished our laws at every level Ct. of Common Pleas, Appellate, SC Supreme Court and the SC District Court. The avenue they take herein is far from justice for all nor for the majority, only for the powerful who bask in sin and evil. God is the power to fear. He says "There is a way that seemeth right to man, but the end thereof is → Death!" It is time for a change a time then amit wrong doings to stop, "Looking The Other Way," Codding criminals that have Immunity, Color law on such all invitations Carte Blanche to commit crime chaotically and they DO! Sad, Pagan! in our Nation Under God.

# Index

Exhibit

Principal Matter:  
Injunctive Relief + Stress, Oppression,  
persecution

District Court et al.

Cont. The Matter At Hand A Follows:

Calculatedly this judge, Mikell Scarborough, in his Conspiracy Conference <sup>did</sup> plan and later executed their plan at hearing to exclude my argument as previously and legally scheduled. I informed the SC Discipline Counsel. I named Judge Mikell, Scarborough, Melena Dinwoodie, my own atty. who "Turned Coats" on my fiduciary relation with <sup>her</sup> Ashley Andrews, William Kalirae for Keith La Troy Tolbert; A. Andrews for Charles Leon M<sup>e</sup> Millian, III A.K.A. Charles Tolbert. After countless month, I heard not from the Counsel but now from the SC Supreme Court, finding no harm done regarding the illegalities by those sworn to uphold the law but who demolished our laws at every level Ct. of Common Pleas, Appellate, SC Supreme Court and the SC District Court. The avenue they take herein is far from justice for all nor for the majority, only for the powerful who bask in sin and evil. God is the power to fear. He says "There is a way that seemeth right to man, but the end thereof is → Death!" It is time for a change a time then admit wrong doings to stop, "Looking The Other Way" Coddling criminals that have Immunity, Color law or status such all invitations Carte Blanche to commit crime chaotically and they DO! Sad, Pagans! in our Nation Under God. 31

copy 7  
Add 8  
Put in place  
Under cover sheet  
Copies

# Index Exhibit

Please see Attachment

Principal Matter Injunctive Relief +  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

stress  
Oppression  
Persecution  
Is still

Carolyn Tolbert Smith

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against- Parties

Please See Attached  
All Parties Are Presented  
See all required information

(Write the full name of each defendant who is not being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.) Facts Below

Please Note: This law suit is based on my "Motion for Preliminary and Permanent Injunctive Relief". Note, please: As South Carolina law recognizes monetary damages are an inadequate remedy. Therefore equity demands that the defendants all be enjoined from continuing benefit in any way due to the Order Summary Judgment to Charles Tolbert whose claim was Quiet Title

## Complaint for a Civil Case

Case No. CP10 D 4058  
(to be filled in by the Clerk's Office)

Jury Trial:  Yes  No  
(check one)

cont  
I, Carolyn Tolbert Smith will suffer irreparable Harm if the Injunction is not granted.  
(a) I am the only court appointed Representative for my mother's estate. (b) My mother's settled estate executed by me cites the Deed Dist for her five (5) children as 20% twenty % each. My attorney of The Fink Law Firm. I hired counsel from said Firm. She was to give argument(s) to counter Quiet Title Lis Pending at a hearing Sept 21, 2021 No. CP1004058. The judge denied her any argument, she said nothing the Judge M. Scarborough planned to in a meeting w/ the opposer at this and my attorney planned and did start (w) summary shut judgement. Then the Hearing! down!  
Cont, CP  
Attach-  
ment

add all 3 to  
needed 8-10 & XVII  
I, II Extra  
work  
ear cover sheet  
Index  
Exhibit

Principal Matter  
Injunctive Relief  
Stress oppression  
Persecution

3. The Amount in Controversy Nu A

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

There is an inadequate remedy at law for the  
wrongdoing of the Master-In-Equity and atty's since I  
live in the subject home pd. taxes for 20yrs maintained and kept the  
property as my family and I. Cared for our parents, grand parents  
devotedly. In assisted live the home would have been lost  
to cost. The Judge wanted me to have to pay here more than  
some deserved

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Due to a blatant conspiracy Conference Convene by The Master In-Equity  
and attended by my atty and attys opposing my claim, said judge got the Con-  
sent of all present (documented) to block my testimonial arguments to counter

Quiet claim. The Judge omitted my argument by my atty. who agreed to it so I lost/lost  
Relief sought are, "Due Process, an Argument re: Deed Dist<sup>l</sup> v Quiet  
Title a Deed of Dist<sup>l</sup> Defeats Quiet Title hence an egregious travesty of  
justice was performed

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff seeks Relief that makes her the one who prevails in this  
Case No. CP1004858 without having to go to trial or go before  
a one man judge and jury or other such mediator. I seek too an imme-  
diat Prebiminary and Permanent Injunctive Relief. Please see my re-  
quest for Relief among Cause A-B Complaints Under "Prayer For Relief"

CP

Cause No. CP1004858

copy back from

# District Court, SC

add  
covert  
extended claim

Index  
Exhibit  
Principal Matter  
Injunctive Relief  
Shers

b. If the defendant is a corporation  
 The defendant, (name) N/A, is incorporated under  
 the laws of the State of (name) \_\_\_\_\_, and has its  
 principal place of business in the State of (name) \_\_\_\_\_.  
 Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
 and has its principal place of business in (name) \_\_\_\_\_.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

### 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain): If this were eligible as an amount, it would be five million dollars at least. I would close to curing fraud by an officer(s) of U.S.A Law no matter local, state, or federal law.

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

(a) In a nutshell - The Judge, not Magistrate, a term deliberately used lately to refer to judge Mikell Scarborough and gives themselves as The District for the Dist of SC an excuse to wash their hands illegally of refusing to overturn the fraudulent, criminal Order Judgment of "Quiet Title to A K & Charles Tolbert. But it must be Over - Turned."

Re-write

## IV. Relief - None at law. The Relief must be jury Trial and Overturning the fraudulent Order Judgment of judge Scarborough to AKN

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. Plaintiff asks for Injunctive Relief to stop the illegal actions still pursued by the major players among the Defendants this is Mikell Scarborough, Master-In-Equity and judge, subject in the initial Matter i.e CASE NO. CP 1004658. Herein the damage is irreparable. Plaintiff requests a trial by jury: Preliminary and permanent Injunction against the judges i.e Scarborough's illegal Order Judgment for Plaintiff Charles Tol-

add all 3 to  
cover or suit  
needed 8-10 for  
I, II  
Index 3.  
Exhibit

Principal Matter - Injunctive Relief - Stress  
Oppression, Persecution  
Work

11/11

The Amount in Controversy No A

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

There is an inadequate remedy at law for the  
wrongdoing of the Master-In-Equity and attys who  
live on the subject home pd. tax for 20 yrs maintained and kept the  
property as my family and I. Cared for our parents' grand parents  
devotedly. In assisted live the home would have been lost  
to cost. The Judge wanted me to have to pay theirs more than  
some deserved

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Due to a blatant Conspiracy Conference Convene by The Master In-Equity  
and attended by my atty and attys opposing my claim, said judge got the Com-  
sent of all present (documented) to block my testimonial arguments to counter  
Quiet Claim. The Judge omitted my argument by my atty. who agreed to it so I lost  
Relief sought are "Due Process" an argument re: Deced Dist v. Quiet  
Title deed of Dist' Defeats Quiet Title hence an egregious travesty of  
justice was performed

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff seeks Relief that makes her the one who prevails in this  
Case No. CP1004158 without having to go to trial or go before  
a one man judge and jury or other such mediator. I seek too an imme-  
diately Preliminary and Permanent Injunctive Relief. Please see my re-  
quest for Relief among Cause A-B Complaints Under "Prayer For Relief"

Cause A-B

Sheets 523  
I

# Index

04/1/2024

Copy this p  
7-8

Exhibit Principal-Injunctive Relief + Stress  
U.S. District Court <sup>oppression</sup> <sup>persecution</sup>  
District of South Carolina

Supplement 7

Plaintiff, Carolyn Tolbert Smith's Objec-  
tion, (S) To The Court's Having Denied my Mo-  
tion For an Injunction, Preliminary And  
Permanent Injunction Against The Order Sum-  
mary Judgment For Charles Leon McMillian III,  
A.K.A. Charles Tolbert In His Claim, "Quiet Ti-  
tle Lis Pending Wherein Quiet Title is De-  
feated by Deed of Dist' existing at the time  
that Charles and Keith Tolbert filed said Claim.

Judge M. Scarborough chose to pursue this claim regardless. He then boldly and  
egregiously obstructed justice, denying me my civil right to argue my  
The final statement above is a first cause of  
action requiring a Preliminary and Perma-  
nent Injunction herein. This remedy is the only  
remedy to stop further irreparable harm to  
Plaintiff, Carolyn T. Smith. You must cease  
to embrace "Injustice!" Our citizen did not wars  
for justice abroad and here! and even conspiring (w)  
Judge Scarborough and all Defendants named  
in this matter, CASE NO. 2:24 CV 00905 DCN-  
M H G, by consenting to Scarborough's willful,  
unethical entry of "Consent," Obstructed Justice,  
a serious and injuriously harmful act by judges,  
Justices, lawyer, and any and all persons sworn to  
uphold the law. This constitutes a second cause of  
winning  
case of  
Title to  
Adverse  
Possession  
He resorted  
to lying, fraud  
my own at-  
torney and  
two others  
leaving me  
86 yr. old  
owner  
out of  
the total  
picture.  
The opponent  
attorney and my  
own were all white. I the only  
Black stood alone, no help, help!

\*\*\*

B6

Cause of action for a Preliminary and permanent injunction immediately to stop further damaging, harmful and irreparable harm to me, the victim, Plaintiff, 86 eighty-six yr. old widow apt to be further killed in this illegal, egregious behavior of a judge, the one herein the subject. He convened the Defendants and my atty's Attorney Malona Dinwoodie with the Finkel Law firm, he convened a conspiracy meeting whereby all consented to sabotage the hearing, at which time he scheduled three different matters to be aired; ① Some un-

Known Fore closure which was never heard, which I was never made aware of as far as where and how Fore closure fit to a (Fit); Skipped at hearing though written and scheduled for the 09/21/2022 Hearing @ my argument denied. Said judge started with argument from Atty Ashley Andrew who strangely argued by herself and to the judge presiding. No argument was heard from my atty, zilch, not a word. This judge had shut us out as she orchestrated it & she acquiesced. This, judge, is for a third cause for immediately granting me a preliminary and permanent in-

III

Index  
Exhibit

Principal Matter - Injunctive Relief +  
stress oppression, Persecution

04/ 12024

injunction to stop the bleed. At said -

Hearing I, citizen of the USA for 80 yrs.

was, on the spot, blatantly denied my

right to, "Due Process, my" Day in Court."

This is a fourth cause - Dealing with the  
kind of deception found here regarding the beha-  
vior of Judge M. Scarborough and his co-conspira-  
tors in this matter a preliminary and permanent  
injunction is the way to stop untrusted folks who  
trick and deceive.

regard  
less to

minimum

less to

protect

the se-

gre-

grossly

guilty

Index  
Order

Principal Matter:  
To submit paper copy

04/12/2026

## Paper Copy of Record On Appeal

CASE NO. 2025000893

1.  
Please still be advised that  
I, Aré Smith am ever "Compelled"  
to reference Carolyn's case No.  
EP1004058 as it through judge  
Scarborough and his co-con-  
spirators guilty of prose-  
cutorial Mis-Conduct i.e.  
"Conspiracy" with "Intent" (a  
felony crime) wherein Alt a  
agreed to "Sabotage" the  
"Hearing" where this judge was  
to hear Carolyn Counterclaim. ↓

2.  
to "Quiet Title 2's Pending"  
in Carolyn's claim of "Title  
To Adverse Possession". She  
qualified and still does. No  
Respondent ~~only~~ Carolyn was  
eligible. Said judge zealous for  
his favored attys' Esquires  
to prevail had Carolyn's atty  
and again this judge, oppos-  
ing Counsel sign a consent form  
to have him only hear, "summarily"  
judgment by Carolyn's opposers

3.  
I and omit any argument by  
Carolyn or by her atty with  
that one sided fiasco of  
information incomplete, Caro-  
lyn with a lack of "Due Process"  
her "Constitutional rights" this  
judge gave Carolyn T Smith's  
earned property to a Charles Tal-  
bert with no standing, "one who  
abandoned his graine + the property."

4.  
\* To finalize, I, Carolyn tells  
you that she was not privy to  
the 22 Consent Order To "Quiet  
Title". If this judge who put my  
atty Between a brick and a  
hard place, "by scaring her into  
forcing her to join their power-  
ful team, that's another "Ob-  
struction". The opposers were four  
4. The judge set himself up to stay

04/12/2026

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Paper Copy of Record On Appeal

Bleeding

Principal Matter: Subject property not Heirs

1. 04/12/2026  
 please be advised that Carolyn's atty, Melina Dinwoodie or atty. Kalivas or Ashby Andrews, Esquire or said judge filed this unnecessary motion. All Respondents abandoned subject property. Three (3) heirs/cotenants have held said property Adverse to the right to possess and to profit there in according to the 10 yr rule See Justia - Fender v. Smashum.

2.

Cont' Re: Heirs property v. "Title To Adverse Possession" and Real Estate Appraiser.

This fact is the grand, "Motive", for judge Scarborough's Obstruction of justice starting (w) his pursuing the "frivolous" lawsuit, "Quiet Title" Now I, Ave' must reference this past case influence.

Above please find my response to "Heirs property" + "Real Estate Appraiser Matter," added shockingly to Carolyn's singular, "Motion," to Dismiss (w) Prejudice CASE NO. 2021

Cp1004058, "Improviently," granted to Charles Tolbert Cont', "only one side," of the dispute between "Two," sides!

Some months ago Warry Smith paid for his, "Motion," for jury trial as to his claim for "Title To, For Adverse Possession," as to the subject property in Case No 2021 Cp 10 04058. The scheduled, "hearing," per the counterclaim to, "Quiet Title," which I've learned is, "Moot," was never challenged or "Counterclaimed" at the scheduled time. (I witnessed the SCAMed "hearing")

Judge Scarborough did an unamerican, unprecedented, "obstruction of justice," it's called. We were left dumbfounded when judge Scarborough heard "only,"

none

Index Order

Principal Matter - Initial Brief of Atty: W. Kalivas late arrival

# Smith Law Group of the Carolinas, LLC

Attorneys at Law  
225 Seven Farms Drive, Ste 203 202  
Post Office Box 50610  
Summerville, South Carolina 29485

William K Kalivas  
will@smithlawcarolinas.com

Office - 843-607-0254  
Cell - 843-906-3243  
www.smithlawcarolinas.com

Received 02/08/2026

January 29, 2026

**VIA EMAIL ONLY:**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
ctappfilings@sccourts.org

Re: Ave Smith, Appellant v. Heirs of Helen Tolbert, et al, Respondents  
Case No.: 2025-00893  
*wrong - correction CASE No. 2025-000893*

Dear Ms. Kitchings:

Enclosed for filing, please find a copy of Respondent Keith Tolbert's Motion for Extension, Initial Brief of Respondent and Designation of Matter, along with Proof of Service for each filing. By copy of this letter, a copy of each of the above-mentioned filings has been provided to the pro se parties at the addresses on file with the Court of Appeals.

? of time of your Initial

What is each of

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

Sincerely,

William K. Kalivas

Call Emily secretary

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

Call Code Enforcement Edward on my voice mail service

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

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Order

The South Carolina Court of Appeals  
February 12, 2024

Jenny Abbott Kitchings  
Clerk

Catherine Harrison  
Chief Deputy Clerk

CASE No 2025-000893

Principal Matter - Initial Brief

Re: Appellant, Ave Smith's response to the correspondence from the Court received on 02/08/2024 as to the Initial Brief and Designation from Respondent's Counsel, William Kalivas, Esquire who is told to move for a "Motion," requesting permission to serve and file the items now outside of the filing deadlines set by Rule 208 of the SC Appellate Court Rules. The correction is to be accomplished within 10 days to be considered by the Ct.

I, Ave Smith, am to follow these instructions as well, serving the SC Ct. of Appeals and all Respondents. I have served the Court with the Brief and the Designation dated 02/12/2024 with Proof of Service to the Court and Certification and Proof of Service to Opposing Counsel and Respondents to include my "Motion," requesting permission to serve and file the items cited above now outside of the filing deadlines set by Rule 208 of the SC Appellate Court Rules. I hereby ask said permission. As Respondents' information arrive to me untimely I was barred from moving forward in this matter. I cannot convince Counsel to get involved herein for me. Nearly 40 or more excuse themselves.

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Order

Principal Matter Cont' Initial Brief Ordered by Appellant Ave Smith. It is seriously delayed.

Please see the Response Addressed by Appellant Ave Smith

Ave Smith  
338 Fifth Avenue 5<sup>th</sup> Fl  
Mt. Pleasant, SC 29464

Index  
Pleading

Principal Matter =

Please see page (6) of (10) - R (lines 1-12 in Atty's Kalivas' Initial Brief as to, "Standard of Review")  
Initially Atty's Kalivas Case, "Quiet Title, is 'frivolous'; so it is also, 'moot'. So there is no possible concern here for, "Plaintiff ~~vs~~ Defendant."  
What is concerning here is that any judge, having heard my clear, thorough testimony before judge C. C. Pope would applaud her had she, "NOT," denied me, Plaintiff, my proven, "Right," to, Title to Adverse Possession, of my property clearly, stolen by judge Mikell Scarborough who unethically, presorting to committing, "Prosecutorial mis-Conduct, contrived and tripped himself up by staging a "hearing" that he, "sabotaged," ultimately executing the scheme of presiding over his, "hearing," boldly and, Rocklossly, harming Carolyn and her family by excluding Carolyn from participating in and at HER, "hearing," why? She would have prevailed. Carolyn's Atty, Melena Di'N-woodie (and) refused to appeal the criminally conducted Court, "hearing," where he shamelessly insulted Carolyn and her family by starting the hearing upside down, allowed Charles Tolbert, estranged relative and his Atty, Ashley Andrew to "on-the-spot," Surprisingly "move," for Summary judgment as apparent-ly they "secretly planned this, "Killer," scheme," in their so called, "Conference," "Status meeting" and now, "Merit" something? Oh NO! their devilish schem back-fired. This judge neglected to sit (w) the family and learn

Index  
Testimony  
Primmerzal Matter: The "Standard of Review"  
DOES not pertain this  
STANDARD OR REVIEW See Attached

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

6 In deciding whether the circuit court properly granted the motion to dismiss, the appellate  
7 court must consider whether the complaint, viewed in the light most favorable to the plaintiff,  
8 states any valid claim for relief. *Spence*, at 116, 628 S.E.2d at 874 (2006). A motion to dismiss  
9 under Rule 12(b)(6) should not be granted if facts alleged and inferences reasonably deducible  
10 therefrom entitle the plaintiff to relief under any theory. *Id.*; *Overcash v. S.C. Elec. & Gas Co.*,  
11 364 S.C. 569, 572, 614 S.E.2d 619, 620 (2005). Furthermore, the complaint should not be  
12 dismissed merely because the court doubts the plaintiff will prevail in the action. *Spence*, at 116-  
17, 628 S.E.2d at 874.

The Correct → Standard of Review ← Opposes Know this.

Summary judgment is a drastic remedy and should not be used except as 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 window not an attorney Li-conce to practice law but prevailing their judge Scarborough } "Stoops To Conquer"

Index

Order Summary judgment

Principal Matter = This Order Summary Judgment

breaks all the nations, to include his rules and laws in existence. He "stooped to conquer" judge Scarborough, to arrive at this "fake" Order Summary judgment, he first pursued a false claim and pursued with quite committing, "obstruction", of justice by allowing judiciary to which he showed his shameless partiality to bring this frivolous lawsuit against me and against my mother's Last Will and Testament. He orchestrated a conspiracy, <sup>group</sup> of all judiciary against the adversary for, "Title To Adverse Possession". He convened meetings in July and Aug 2022 where they, behind the back of the adversary and in the dark prepared a Draft, a substitute for Cards Lynn's, my counterclaim that would leave me free of burdening my 88 yr old head from their burden & take upon myself. This judge committed prosecutorial-misconduct, mis-carriage of justice because he knew that lawyers he preferred to prevail would not prevail, I would. So he got signed consent from all lawyer, enjoined my own atty. With my opposers and agreed with this judge in his conspiracy with "intention to sabotage my hearing just cut me out of participation". He counted on my attorney's ability to convince me to rely on her (my atty) to convince me to accept their plan, "not knowing," their plan. Oh, No! I disappointed them. My family was there with me. He did not give us the floor but deceived higher courts in <sup>to be</sup> believing that he knew my mind so I had no need to express myself. He did inform himself of the <sup>dominant</sup> ~~dominant~~ my children seriously adversely affected by his illegal act.

No Copy  
Xtra

See the Drift Away From Percentages Ordered by the courts  
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:

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%?

They have their own assets. Put nothing in.

No!  
an egregious in-justice a sound travesty of justice  
They abandoned the will.

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.

Laughable  
Mousetraps  
Malverse

temporarily  
X

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.

4/6

Index Principal Matter Fraud, SCAM obstruct  
Order and Travesty of justice," below

I need viewers to see the sound,  
pure, perfect deed of "Distribution" in ex-  
istence beginning in 2011, making Quiet  
of Title by Judge Scarborough and his co-con-  
spirators a smoke screen, a "SCAM," fraudulent,  
in a waste of defendants nerves, energy, <sup>lost</sup> <sup>lost</sup>  
good health and so much more. Hence the  
Quiet Title Law suit like the quieting SCAM  
are and have been "obstruction of justice" to  
try to legitimizing their (my opposers) of false, SCAM,  
fake Order Summary Judge. The "Standard of  
Review" in this case of "Title to Adverse Pos-  
session and Quiet Title Litigation" insist that Sum-  
mary judgment is a "drastic" remedy and "must be  
used precautionarily." This judge went immediately to  
said remedy by passing my "Due Process" to count-  
er claim "Quiet Title." This judge created a monstrous  
~~the~~ above mis-carriage of justice and brought me  
Ave to battle for her home, legitimately hers by  
reason of her "Title to Adverse Possession." This  
C. judge created a situation that make the oppo-  
sing counsel/lawyers case "moot"; "Nisfiably."  
They blocked me, Carolyn from my opportunity  
to prevail which is criminal! I pray this honoral  
Ct. Stop this deadly, wounding, "Runaway Train"  
now in its tracks you, Court you have been been  
given the "jurisdiction" to turn this gross, "Injustice"  
to immediate "justice." I pray you distinguish your-  
selves for right not wrong and be blessed of God with lasting  
blessing and escape curses by the evil one"

4/7

copy's

STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF: HELEN ALICE GRANT TOLBERT

Note: lots 326 and 327 = one parcel and parcel occupied by one dwelling on one part and another part



J306283 IN THE PROBATE COURT CORRECTIVE DEED OF DISTRIBUTION on one part and another part of the parcel occupied by one dwelling on one part and another part of the parcel. \*Originally recorded in Book 0209 at Page 305 page 001. Recorded to correct percentage of ownership

Nothing changed! Erroneous state the Correction! By whom?

WHEREAS, the decedent died on December 25, 2003; and, *There has never been any need to tamper with this distribution re for lots 326 & 327. One lot part + parcel cap*

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:

Scarbo rough -> Egregious!

Name: Carolyn Tolbert Smith 30%  
338 5<sup>th</sup> Street  
Mt. Pleasant, SC, 29464  
(20% interest)

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

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

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

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

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

following described property:

*Index Principal Matter Order Please see attached sheet sheet.*

*I see here one recognition of Ch naturally taking the sister's share*

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. *mother + Daddy 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, *Page 1 of 2*

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

*Never to neither Charles nor Keith L. Tolbert who filed the claim, Quiet Title*

KT006

Index Principal Matter - Please See here below.  
Order                      though I, Carolyn, Et. appointed  
"Personal Representative for the decedent's  
Estate" herein this judge Scarborough arrange  
this document heading reading to prove  
the "lie" that I, Carolyn T. Smith by SC laws,  
"Released all my rights as Personal Representa-  
live rights and interest statutory and/or testamanta-  
ry powers over the (my) real property." This shame-  
less criminal judge is but a decided corrupt,  
deadly man in a job where he hurts people  
and crucifies God and man's laws federal and  
all others. May this honorable Court put an end to  
his live devastation to mankind.

2017 Deed Keith  
Bold lie  
illegal

Document here only Carolyn Tr Smith serves here  
Exhibit 1, 2  
Not, Not, Not!

In accordance with the laws of the State of South Carolina, the Personal Representative(s) does/do hereby release all of the Personal Representative's(s)' right, title and interest, including statutory and/or testamentary powers, over the real property described to the beneficiaries named below:

Name: Keith L. Tolbert  
Address: 52 Windcrest Drive  
Covington, GA 30016-1299

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Index order

Reason, at all. See the initial sound deed of dist. filed in 2011.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

AS the on going, Personal Representative of my mother's estate, I object to and protest this usurped position awarded Keith Tolbert and all others I, Carolyn probated this matter by atty, Sept 26, 2011.

Additional sheet(s) for names of additional beneficiaries is attached (check, if applicable)  IN WITNESS WHEREOF the undersigned, as Personal Representative(s) of the above Estate, has executed this Deed of Distribution, on this 18<sup>th</sup> day of July, 20 17.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness: Anne M. Martin

Print Name: ANNE M. MARTIN

Witness: Ronda M. Bresham

Print Name: Ronda M. Bresham

Principal matter to show viewers the judge Scarborough consistently overstepping his bounds

Substitute basis for their deceased parent  
Carolyn Tolbert Smith not sign herein

Estate of: Blanton William Tolbert  
Signature of Personal Representative: Keith L. Tolbert

Print Name: Keith L. Tolbert

If applicable, Signature of Co-Personal Representative: \_\_\_\_\_

Print Name: \_\_\_\_\_

ACKNOWLEDGMENT  
Some and not mutilating other fine citizens shamelessly

STATE OF Georgia

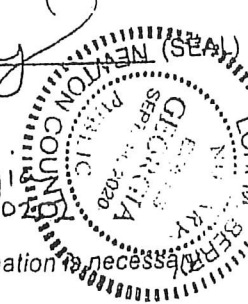
COUNTY OF Newton

I, Lori Berry, Notary Public, a notary for the State of Georgia do hereby certify that Keith Tolbert Representative(s) of the Estate of Blanton Tolbert personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution.

Witness my hand and seal this the 18<sup>th</sup> day of July, 20 17.

Add the perfect initials complete comprehensive Deed of Dist

Lori M. Berry  
(Signature of Notary Public)  
Lori M. Berry  
(Print name of Notary Public)  
Notary Public for State of Georgia  
My Commission Expires: 09.14.2020



Note: It is recommended that an attorney prepare this document and determine if a title examination is necessary.

New pg 3  
Copy 6

Index "Principal Matters = Need to challenge  
Testimony deliberate deceptions and rule  
breaking of conspirators that crush  
Justice in deadly ways

Please know that complaints as to a number of hear-  
ings and delay(s) in the case Atty' Kalivas references  
were all due to Kalivas and opposing Counsel's requests  
for "Continuances" for his client, Keith Tolbert, per his  
aviation studies or other Business things. Add to  
this opposers' anxious desires to hide their numerous  
ways that they have broken the law. They "Conspired," "Sabo-  
taged" a scheduled hearing; blocked Carolyn's path to jus-  
tice by way of the SC Ct. of Appeals; had Carolyn's atty, with  
no ability to represent Carolyn by appealing the prosecutorial  
mis-Conduct, mis-Carriage of justice, travesty of justice  
all of the obstructions of justice action; had this atty en-  
join Carolyn's opposers, tossing her fiduciary with Carolyn;  
left Carolyn dangling without Counsel, to appeal her own  
Case Pro Se, then had Carolyn's Case Dismissed (w) Prejudice;  
Before and there after, the opposers' judge herein document-  
ed his deceived full activities, sending said to the SC  
Dist Ct for SC. Eg. He reported that Carolyn could not  
prevail because she lived or only resided less than (20 yrs)  
required. Lies! Carolyn and her atty's plan was based  
on the (10 yrs plan). She had lived there (18 yrs), 2 yrs short  
of the twenty yrs, I the Appellant lived <sup>20</sup>. I Appellant  
will be compelled to reference all that led to and  
through the sinister, clandestine, unlawful, corrupt  
activities that illegally placed my property into the  
hands of Charles Tolbert and those he represents,

Atty Din-  
woodie

Statement of Issues On Appeal

Index  
46  
Testimony

Cont. ... Judge Scarborough shut me down again robbing me of "Due Process" jumped up, said he was turning the case back over to the circuit Ct.; recused himself and left the court

\* (18) Judge Rode's hearing - Heirs property \*

Principal Matter  
No longer are theirs/  
is there heirs property. See Fender V. Smashams

ISSUE - Heirs "Kicked out" when the Law Suit without merit was filed. Causing obstructions of justice. Prosecutorial misconduct and ultimately Judge M. Scarborough's gifting of Appellants' property a double lot at 338 Fifth Ave and 06th St. to Charles Tolbert. I attended the judge Rode's hearing

(19) All Ct. filings 2021-2025

(20) All objections to "Motions" denied in "CASE NO. 2025" and as compelled to be revealed as to Connection per the injustice(s) stemming from the prior case cited and impacting case NO. 2025 000 893 is the present case

(21) Typical Court error in the courts' attempt to spear or avoid having judge T. Rode's Order judgment be focused on the "One" motion before him to end, "Dismiss with Prejudice" Case 2021 CP 10 04050. Their "error" impacts my case NO. 2025 000 893 adversely.

(22) - See next pg (22) = 46 / +2

Add pg 5

32  
46

Index

Order Summary Judgment

Principal Matter - "Conspired"  
"Erroneous" "Draft" "Unapproved" "false sub"  
to which and of which Carolyn was not "Privy"  
upon placing major atty. between a,  
"Brick And A Hard Place" ie by having her  
convinced that she could not win, could not  
prove "Duster," one of the easy to prove ele-  
ments to prove, of six (6) required to be satis-  
fied to Claim Title to Adverse Possession  
and after he added his demand that she sign  
her consent with the judge herein and with op-  
posing Counsel to have this judge, Mr. Scarbo-  
rough stay on this case for its duration,  
Atty. Melena Dinwoodie, "Turned Coat," threw  
Carolyn under the bus, as it were, tying her  
hands as to her ability to appeal the con-  
spiracy plan to agree to judge Scarbo-  
rough's scheme to (appear ~~after~~ hours) to do  
the unprecedented ie, "start the hearing upside-  
down with (of all things) Order Summary Judg-  
ment, omitting Carolyn's argument to counter-  
claim the frivolous, void of merit lawsuit,  
"Quiet Title Lis Pendens," already in another SC  
case like Carolyn's, Reversed and Remanded,  
Defeated by a proper "Deed of Distribution" Also →



Do more?

Writer's Name Law Firm McCondeley Feb 1-86 256-0855

## Why would I need a quiet title lawsuit?

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. *Definitively Not th*
- 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. *Not rele*
- 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.
- 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. *55*

## 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

If 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

Copy 3

Index Exhibit

Principal matter



*To expose* *lots* *65* *one lot* *Parcel* *Date?* *Judge Scarborough* *Deed Tampering Criminal Action*

**INSTALLMENT** (more)  
 PIN: **5141100065** 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: **338 5TH AVE**  
 Geocode: Case: Description: **Subdivision Name -SCANLON(...)**  
 Rev acct: **0010438900** Pmt pln: Class: **101 - RESID-SFR**  
 Tax sale: ACH pln: Roll type: **Real**

*Judge here attempting to manipulate the legal system. No need for this EVER!*

Party Name	Role	Percent of Ownership	Default Address	Communication Info	Notes	Edit
JONES BETTY JEAN TOLBERT	Owner	18.750%	BETTY JEAN TOLBERT JONES PO BOX 6429 CHARLOTTESVILLE VA 22906-6429		<i>The initial deed has always been pure.</i>	
TOLBERT KEITH L	Owner	18.750%	KEITH L TOLBERT 52 WINDCREST DR COVINGTON GA 30016			
LATTEN SARA JO TOLBERT	Owner	18.750%	SARA JO TOLBERT LATTEN 7095 HOLLYWOOD BLVD APT 597 HOLLYWOOD CA 90028			
TOLBERT CHARLES	Owner	25.000%	CHARLES TOLBERT 115 FRANKLIN TPK NO 259 MAHWAH NJ 07430			
SMITH CAROLYN TOLBERT	Owner	18.750%	CAROLYN TOLBERT SMITH 338 5TH AVE MOUNT PLEASANT SC 29464-2708	Home Phone 843-216-6960		

Attorney Counts

Do you know who generated this, "Distribution?"

Index Exhibit

Principal matter → judge Scarborough and his Co-conspirators attempt to successfully "scream" the legal

Principal Matter - Challenge the "Tampering" with our first and only Deed of "Distribution" judge Scarborough seeks to prevail by conspiracy, by excluding me Carolyn, Primary owner. He has done several of these.

57