

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP1004058

Keith L Tolbert
PLAINTIFF(S)

Carolyn Tolbert Smith et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

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

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

See below.

ORDER INFORMATION

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

For Clerk of Court Office Use Only

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

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

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

RECEIVED
MAY 29 2026
SC Court of Appeals

Court Reporter:

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

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

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

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



Charleston Common Pleas

Case Caption: Keith L Tolbert VS Carolyn Tolbert Smith , defendant, et al
Case Number: 2021CP1004058
Type: Order/Electronic Form 4

So Ordered

s/ T.J. Rode (#2792)

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

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STATE OF SOUTH CAROLINA)
COUNTY OF Charleston)

IN THE COURT OF COMMON PLEAS
9th JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10 04058

Carolyn Tolbert Smith
Plaintiff,

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

vs.

The Heirs of Mrs Helen A. Grant Tolbert
Defendant.

Plaintiff's Attorney: <u>Pro Se</u> <u>338 Fifth Ave + 0 1/2 St.</u> , Bar No. <u>NA</u> Address: <u>Mt. Pleasant, SC 29464</u> <u>338 Fifth Ave. + 0 1/2 St.</u> Phone: <u>1-843-216-6960</u> Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____
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- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: To Dismiss With Prejudice CASE NO: 2021CP10 04058
Estimated Time Needed: 1-1 1/2 hour Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

- Written motion attached
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Mrs. C. Smith, 20 25
Signature of Attorney for Plaintiff / Defendant Date submitted

SECTION III: Motion Fee

- PAID - AMOUNT: \$ _____
 EXEMPT: (check reason) Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRCP)
 Proposed order submitted at request of the court, or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: borough's Improvidently granted
 Other: Proof of Judge M. Scarz / Quiet Title Summary Judgment Order

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JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____ JUDGE CODE _____
Date: _____, 20 _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____, 20 _____

- MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

Copy 2,
mail return,
Kathleen

Carolyn Tolbert Smith
338 Fifth Ave + 0¹/₆ St.
Mt. Pleasant, SC 29464

The Clerk of Court
Chas. Co. Circuit Ct
of
Common Pleas

FILED

JAN 16 2026

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

Letter to the Clerk of Court
Julie Armstrong

RECEIVED

MAY 29 2026

SC Court of Appeals

This is to inform you of my Intent to Appeal the
Order judgment of judge Thomas Rode as to
CASE NO. 2021CP1004058 heard I believe
Oct 8, 2024 and/or Nov 8, 2024 there were two
hearings. The motion Dated 01/16/2026
was my request to
Fri

Dismiss with Prejudice

the Case mentioned or cited
above. I made my intention
in my motion attention to
judge Thomas Rode and to
the Clerk's office.

Carolyn T. Smith
338 Fifth Ave + 0¹/₆ St.
Mt. Pleasant, SC
29464

1-843-216-6960

Pro Se

my 8
this sheet

State of South Carolina In the Ct. of Common Pleas
County of Charleston The Ninth Judicial Circuit

Carolyn Tolbert CASE No. 2025-2400-
Vs. Plaintiffs 2479
2021 Cp1004058

Vs.

Cotenants as to The Estate
of Helen G. Tolbert who are
Sara S.T. Latten, Betty S.T. Jones
The Estate of Charla T. McMillian,
Charter Tolbert (AKA),
Keith Tolbert

JULIE J. ARMSTRONG
CLERK OF COURT

2026 JAN 20 PM 4:58

FILED

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MAY 29 2026

SC Court of Appeals

To The Clerk, Ms Julie Armstrong

I, Carolyn Tolbert Smith intend to Appeal the decision of Judge Thomas Bode from a hearing Oct. 8, 2024 ending in the Order judgment being the same date. No mailing date appears with Order. I, Plaintiffs received the order (by) via U.S. Postal Service Nov. 2025, about the end of Nov. 2025

I did not keep the envelope with the date

My motion was to, "Dismiss With Prejudice the, Improvidently, granted Order Summary Judgment (granting), Gifting my property where I had live 18 yrs. and now 28 yrs, to an estranged relative.

Attn: Julie Armstrong, Clerk of Ct. for Char. Co, SC

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