

The South Carolina Court of Appeals

Keith L. Tolbert, Respondent,

v.

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

Betty Jean Tolbert Jones and Sara Jo Tolbert Latten are Respondents.

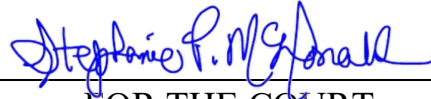
Appellate Case No. 2025-002479

ORDER

This appeal arises from an order of the circuit court denying Appellant's motions to dismiss, for conspiracy, and for trial. We sent letters to Appellant on January 5, 2026; February 6, 2026; March 9, 2026; and March 27, 2026; seeking correction of deficiencies in the notice of appeal. To date, Appellant has not provided the date she received written notice of entry of the October 8, 2026 order on appeal.

The appeal is dismissed because the order at issue is not immediately appealable, Appellant failed to provide the date she received written notice of entry of the order on appeal, and the appeal does not appear to have been timely served. *See Huntley v. Young*, 319 S.C. 559, 560, 462 S.E.2d 860, 861 (1995) (providing "generally the denial of a Rule 12(b)(6) motion is not directly appealable"); Rule 203(b)(1), SCACR (noting a notice of appeal shall be served on all respondents within 30 days after receipt of written notice); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate

court lacks jurisdiction to consider the appeal. . ."). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

Carolyn Tolbert Smith
William K Kalivas, Esquire
Betty Jean Tolbert Jones
Sara Jo Tolbert Latten

FILED
Jun 05 2026
