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Aug 19 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Courtney Clyburn Pope

Case No. 2024-CP-10-06162
Appellate Case No.: 2025-00893

AVE SMITH . . . . . Appellant

v.

HEIRS OF HELEN TOLBERT, CHARLES TOLBERT, SARA JO TOLBERT LATTEN, KEITH TOLBERT, BETTY JEAN TOLBERT JONES and CAROLINA TOLBERT SMITH . . . . . Respondents

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RESPONDENT KEITH TOLBERT'S MOTION FOR EXTENSION OF TIME TO FILE THE FINAL BRIEF OF RESPONDENT

Pursuant to Rule 240, South Carolina Appellate Court Rules, Respondent Keith Tolbert, by and through counsel, hereby respectfully moves for an Order granting permission to serve and file the Final Brief of Respondent outside of the filing deadlines set by Rule 208 of the South Carolina Appellate Court Rules.

In support of this Motion, Respondent notes that he never received a rule-compliant copy of the Record on Appeal. More specifically, the filed Record on Appeal does not include six (6) of the seven (7) matters from Respondent's Designation of Matters, including the relevant pleadings from the case on appeal or the Order from which this appeal was taken. Therefore, Respondent did not become aware that the Final Brief of Respondent was past due until

correspondence of the Court on August 10, 2026. Accordingly, Respondent believes that an extension of time to file his Final Brief is warranted. Respondent is filing his Final Brief of Respondent contemporaneously with this motion.

Respondent does not seek this extension for undue delay or any improper purpose. If granted, this would be the second extension of time granted to Respondent, and the first as it pertains to the Final Brief of Respondent.

Respectfully submitted,

s/William K. Kalivas
William K. Kalivas, Esquire (S.C. Bar No. 80201)
Smith Law Group of the Carolinas, LLC
225 Seven Farms Drive, Ste 203
Charleston, SC 29492
P.O. Box 50610, Summerville, SC 29485
843-607-0254; will@smithlawcarolinas.com
Attorneys for Respondent Keith Tolbert

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PROOF OF SERVICE

I certify that a copy of Respondent Keith Tolbert's Motion for Extension of Time to File Final Brief of Respondent and Final Brief of Respondent was served on the below-listed counsel of record and pro se parties via electronic mail or first class mail on August 19, 2026. A copy of the service email is attached hereto as Exhibit "A".

Ave Smith
338 5th Ave.
Mt. Pleasant, SC 29464
Ave12000smith@gmail.com

Betty Jean Tolbert Jones
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Attorney for Charles Tolbert

Carolyn Tolbert Smith
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Mt. Pleasant, SC 29464

Respectfully submitted,

s/William K. Kalivas

William K. Kalivas, Esquire (S.C. Bar No. 80201)
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Attorneys for Respondent Keith Tolbert

August 19, 2026

Gmail

Will Kalivas <will@smithlawcarolinas.com>

2025-00893; Ave Smith v. Heirs of Helen Tolbert, et al

1 message

Will Kalivas <will@smithlawcarolinas.com> Wed, Aug 19, 2026 at 3:36 PM
To: Ashley Andrews <andrews@lafondlaw.com>, Taylor Silver <taylor@silverlawfirmllc.com>, bettyjeantolbertjones@yahoo.com, ave12000smith@gmail.com

Good Afternoon,

Attached for service, please find a copy of Respondent Keith Tolbert's Motion for Extension and Final Brief of Respondent, along with correspondence to the Clerk of Court enclosing the filing fee. If you have any questions, please don't hesitate to contact me.

Thanks,

Will

William K. Kalivas
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225 Seven Farms Drive, Ste 203, Daniel Island, SC 29492
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4 attachments

- **Cover Letter - Final_0001.pdf** 185K
- **Motion for Extension - FINAL.pdf** 179K
- **Final Brief of Respondent.pdf** 261K
- **Fee Letter - Final_0001.pdf** 178K

Smith Law Group of the Carolinas, LLC

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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

Dear Ms. Kitchings:

Enclosed for filing, please find a copy of Respondent Keith Tolbert's Motion for Extension and Final Brief of Respondent, 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.

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

Sincerely,

William K. Kalivas

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

Smith Law Group of the Carolinas, LLC

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Columbia, SC 29201
ctappfilings@sccourts.org

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

Dear Ms. Kitchings:

Enclosed please find Smith Law Group of the Carolinas, LLC's check in the amount of $50.00 representing the filing fee for Respondent's Motion for Extension that was filed in the above-referenced matter via electronic mail on August 19, 2026.

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

Sincerely,

William K. Kalivas

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