

The State Of South Carolina  
Court Of Appeals

**RECEIVED**

JUL 29 2019

SC Court of Appeals

Appeal From \_\_\_\_\_

Sarah Latten \_\_\_\_\_ Appellant

V

Carolyn Tolbert Smith \_\_\_\_\_ Respondent

Sarah Latten  
7095 Hollywood Blvd  
#597  
Hollywood, CA 90028  
(323) 836-9115

Carolyn Tolbert Smith  
338 5<sup>th</sup> Avenue Case #:  
Mt. Pleasant, SC 29464  
(843) 216-6960

RE: Partition Action: 2018CP1002242

Record of Appeal

Dear Sir or Madam,

This appeal by Sarah Latten, appellant, arises from a Partition Action #2018CP1002242. Subsequent to the Partition Action A Motion To Dismiss was recently submitted by Carolyn Tolbert Smith, and granted by a judge, thus causing this appellate response. Carolyn Tolbert Smith is a self-described Executrix of the estate of Helen Grant Tolbert who designated Betty Jean Tolbert Jones, daughter, as Executrix of the estate. The Partition Action delineates the actions and omissions by Ms Smith before and after the death of Helen Grant Tolbert.

Please note that a Motion to Continue was timely (reference the attached postal return receipt dated 6/17/2019, and signed by the court) submitted to the Clerk of Court By Sarah Tolbert Latten, plaintiff, in response to Ms Smith's Motion to Dismiss. Unfortunately, the instructions for a cover sheet was previously unknown and as a result, the Motion to Continue had to be resubmitted, after receiving instructions from the court. The second postal return receipt was not signed by a court representative until June 28 (reference the second postal return receipt attached). But the judge's decision was granted to Ms Smith on June 24. I repeat, the evidence shows the Motion to Continue was timely but had to be resubmitted due to the lack of a cover sheet on the first submission. Please take this fact into consideration and rescind the judgment dated 6/24/2016, as the Motion to Submit was submitted timely and in good faith but, unfortunately, the Judge was unaware of the previous timely submission of the Motion to Continue.

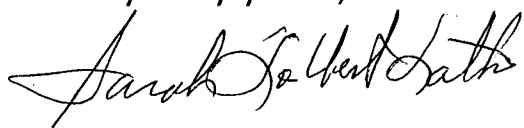
In the Partition Action, you will see that neither Betty Jean Tolbert Jones Executrix named in the will, nor Carolyn Tolbert Smith, self-appointed Executrix, ever distributed the will or an accounting of my mother's will and estate to any of the heirs. In addition, your court records will show that Carolyn Tolbert Smith signed only her name as heir to the Deed of Distribution but when the court noticed the problem, the court mandated that Ms Smith complete a revised Deed of Distribution with an attorney to include the names of all of the heirs. The attorney on record can attest to these facts.

In this regard, I Sarah Tolbert Latten, am appealing the judge's decision to grant the Motion to Dismiss by the respondent, Carolyn Tolbert Smith and grant the Motion To Continue so that all of the inheritors to the will and Deed of Distribution will finally receive the benefits

bestowed upon each of us by Helen Grant Tolbert. This was her intent for each of her heirs.

Thank you for your consideration of this request

Very truly yours,

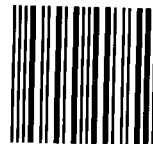
A handwritten signature in cursive script, appearing to read "Sarah Tolbert Latten". The signature is written in black ink and is positioned above the typed name.

Sarah Tolbert Latten, Appellant Pro Se

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SARAH Latten  
7095 Hollywood Blvd  
#597  
Hollywood, CA 90028

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SC Court of Appeals

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