

The State of South Carolina  
in the Court of Appeals  
Regarding  
Appeal From Charleston County  
Court of Common Pleas

Benjamin H. Culbertson Great Court Judge

CASE No. 2018 CP 100 2242

Carolyn Tolbert Smith, Pro Se Respondent

Sarah Latten<sup>v</sup> Appellant

Motion To Dismiss With Prejudice  
CASE NO. 2018 CP 100 2242

I certify that I have served the  
Motion to Dismiss With Prejudice in  
CASE NO. 2018 CP 100 2242, to  
Sarah Latten by depositing  
a copy of it in the United States  
Mail, postage paid on, 10/25/2019  
addressed to, 7095 Holly-  
wood Boulevard #597, Holly-  
wood, CA 90028 ALSO to the Courts  
mentioned above

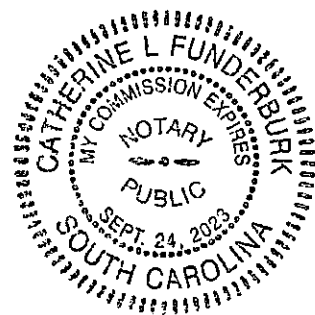
Catherine L. Funderburk  
Oct 25, 2019

Mrs. C. Smith Pro S  
Carolyn T. Smith  
338 Fifth Avenue

Mt. Pleasant, SC 29465

1-843-216-6960

Mrs. C. Smith



The State of South Carolina  
In The Court of Appeals  
Request For A Fee Waiver And  
Regarding: Motion To Reinstate

Sarah Latten  
Appellant  
Carolyn T. Smith  
Respondent

RECEIVED  
NOV 01 2019  
SC Court of Appeals

Motion To Dismiss With Prejudice

I, Respondent, Carolyn Tolbert Smith, humbly pray the Courts  
The Court of Common Pleas and The Court of Appeals,  
Without any consideration, honor my, Motion To Dismiss  
With Prejudice, CASE NO. 2018 CP100 2242. May there be  
no consideration given to the Appellant, Sarah Latten  
who deliberately and defiantly failed to observe the Court  
ordered procedure to mediate the matter timely.

Appellant, upon receiving Respondent's correspondence, con-  
taining the names of 2-3 potential Mediators, one from the  
Star Law Firm of Charleston and one from Walterboro, re-  
fused to open the correspondence. Appellant  
folded the unopened envelope, pertaining to Mediation, wrote  
Appellant's name and address at 7095 Hollywood Blvd, #597,  
Hollywood, CA 90028 where she, by all indications, still re-  
sides not homeless. The address is a house mail box address.  
upon receiving Appellant's correspondence with the unopened  
correspondence in my unopened letter per Mediation + potential me-  
diators, I filed a, Motion To Dismiss CASE NO. 2018 CP100 2242  
The rule by Benjamin H. Culbertson was in my favor, Respondent's  
before the judge on, 6/24/2019.

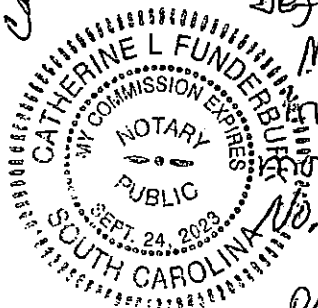
My humble request now is that my present motion be ruled  
in favor of me, the Respondent, Carolyn Tolbert Smith. My  
motion is the, Motion To Dismiss With Prejudice, CASE  
NO. 2018 CP100 2242. Respectfully,

Please see attachments.

I certify that a copy of this Motion  
is being sent by U.S. mail to the two Courts herein  
mentioned and to Sara Tolbert Latten @ 7095 Hollywood  
Blvd. #597 Hollywood, CA 90028

Carolyn Tolbert Smith Pro Se  
338 Fifth Avenue  
Mt Pleasant, SC 29424  
Tel. #1-843-216-6960  
Cell 1-786-325-2704  
Mona C. Smith

Catherine L. Funderburk  
Oct 25, 2019



10/25/2019

## Attachment(s)

on behalf of the heirs of Helen Alice Grant Tolbert and her posterity being the heirs also of the beloved husband of Mrs. H. Alice Grant Tolbert, Fred William Tolbert, 1880-2000, I, Carolyn Tolbert Smith, former holder of P.O.A. for Mrs. H. G. Tolbert, selflessly as Court named Representative for the estate of Mrs. H. G. Tolbert and responsible for the distribution of the inheritance bequeathed by Mrs. H. G. Tolbert first to her late husband named above, then last to the children and posterity of Helen Alice Grant Tolbert and Fred William

Tolbert, I do herein announce once again that the distribution of the inheritance, the subject of this matter, is filed in the Probate Court of Charleston County, S.C. and was at least once distributed by U.S. Mail to all heirs, by Attorney George Counts of Charleston, South Carolina, whether or not said attorney gave by mail or otherwise a copy of the Last Will and Testament of the deceased. I do not know as Respondent in the Appellants requests, claims and allegations, I believe any and all in the matter is a matter of public record and can be had by her's @ anytime.

In the interest of preservation of all property at 338 Fifth Avenue and Sixth Street in Mt. Pleasant, SC 29464, I recall and consider of utmost importance the statement made to me, Carolyn T. Smith, by Sarah T. Latten as follows quote, "Carolyn, you know that <sup>the</sup> central nick name for the deceased) does not want her property sold" I firmly believe that my <sup>mother</sup> never wanted said property sold but wished that family would keep and preserve said property for future family indefinitely, to include countless yrs. Sarah confided with me after mother's death, that mother told Sarah that I, Carolyn T. Smith and my family of children who came to administer care to mother and daddy could remain in and on said property, now her's' property, for as long as we wanted to, Sarah said that she announced said statement, by our mother the deceased, to all heirs. Did she, Sarah, do these things as she reported to me by phone? Did she, Sarah, only wish to block and lock out and hold off my siblings and children that Sarah felt were undeserving?

# Attachment

I believe that it is in the interest of all not just one betr to preserve our property, honoring the desire of the deceased and of her late husband who both invested in this property sweat - life - and - tears not to be overlooked nor squandered.

Sarah T. Latten is loving and kind but controlling. She is an astute actress who combines, at times, fact with fiction. She has not given any consideration at all to alternatives and has designed a scenario that prays on the sympathy of the listener/and or reader. Examples - ~~true~~ - She is 72 yrs old, True or false - She is homeless but is still living @ her old address of many yrs, Hollywood Blvd, Hollywood CA 90028. Please see mails and home mail box with our address

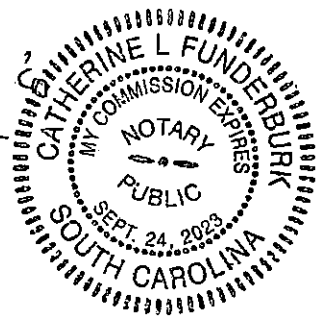
True or false - She has bills piled up like countless others, like me - where is the proof? Eg: Medical, home repairs as one not living at home but in an apartment #597 groceries + personal utilities, Car notes with no car, auto repairs with no car groceries etc. Proof of ... under doctor's care

The fine alternative to pursuing this the court matter is for Sarah to accept the offer of a buy-out, having me pay her what is her Court ordered  $\frac{1}{5}$  (one fifth) share of the property by my selling a property other than her's property and/or borrowing the money to pay Sara her share. I'd need less time than time and money needed to go through the Courts. Sarah sent monies back to me after accepting my assistance for months financially. It had to do with my tardiness in going to probate and my blaming Sarah error as the cause due to Sarah's call and statement that the deceased never wanted her property sold but preserved for her's use.

\* I lost my home in and about 2011. My family and I would be homeless if this property were sold. I am 82 yrs old Nov. 15, 2019 I work part time assisting children forced to drop out of college to help with the deceased from their grandparents

Catherine J. Funderburk  
Oct 25, 2019

Respectfully submitted for the Courts  
Consideration,  
Carolyn Talbert Smiths Respondent

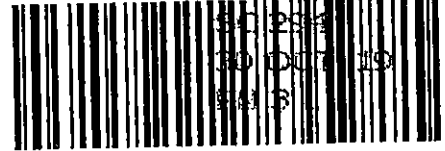


I, Carolyn T. Smith has always had one desire no other matter, to help Sara Talbert Latten in my third attempt to mitigate the matter of 2018 CP 100 2242 by offering to pay Sara T. Latten her fair share of the inheritance while preserving for all heirs the best permanent use of the heirs' property. To presume real estate which is worth more than money in the bank for all others CP

The Corporal W. L. Smith  
338 Fifth St  
Mt Pleasant, SC 29464

CERTIFIED MAIL

CHARLESTON



7018 1130 0001 1175 4927

The Court of Appeals  
1220 Senate St  
Columbia, SC 29201

RECEIVED

NOV 01 2019

SC Court of Appeals



1000



29201

U.S. POSTAGE PAID  
FCM LETTER  
MOUNT PLEASANT, SC  
29464  
OCT 30, 19  
AMOUNT  
**\$4.05**  
R2304M114150-02

29201-376999

