

FORM 7

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM CHARLESTON COUNTY

Court Of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

RECEIVED
OCT 15 2019
SC Court of Appeals

Case No. 2018CP1002242

Sarah Latten, Pro Se

Appellant

V

Carolyn Tolbert Smith

Respondent

PROOF OF SERVICE OF MOTION TO REINSTATE

I certify that I have served the Motion to Reinstate to the SC Court of Appeals at 1220 Senate Street, Columbia, SC 29201, by depositing a copy of it in the United States Mail, postage paid, on 10/11/2019.

October 11, 2019


Sarah Latten

7095 Hollywood Blvd, #597

Hollywood, CA90028

(323) 836-9115

MOTION TO REINSTATE

RECEIVED
OCT 15 2019
SC Court of Appeals

Dear Sir or Madam,

I am submitting this Motion to Reinstate, but first, I must apologize to the court for the delay in submitting this Motion to Reinstate to you. Please note that the delay was caused by the information I needed from the Clerk of Court Division to submit to you at your request, despite my efforts. In fact, to date, the actual copy of the Motion to Dismiss by Carolyn Tolbert Smith has never been sent to me. To date, I have not received the required copy. In fact, the copy was not forthcoming despite the following search information provided to me by various representatives in the Clerk of Court Division, thus:

Clerkofcourt.charlestoncounty.org

Online services, click court plus, search court records, insert case number. Here, you will note that only 4 numbers of the 13 number case were allowed to be accepted into the system, rendering the search null and void. The clerk of court division was unable to correct this problem, thus the delays.

Other search information provided to me by the Clerk of Court division:

Charlestoncounty.org

Circuit court, search. A listing of all cases appeared but there was not your required "COPY" of the Motion to Dismiss by Carolyn Tolbert Smith available for me to review.

also

Charlestoncountyclerkofcourt.org, circuit court, search, accept, case#2018CP1002242. When clicking on the listing for Carolyn Tolbert Smith's Motion to dismiss, still no copy of the Motion to Dismiss appeared nor has it ever been sent to me via US Mail service.

Subsequently, I called the Appellate Court representative to discuss my reasons for the delay in submission. Please note that my phone recorded messages to the Clerk of Court division did not result in call backs, thus causing further delays. Again, I have not received a copy of the motion to dismiss via US postal mail.

Despite the delays previously mentioned, I am submitting this Motion to Reinstate which arises from the Partition Action #2018CP1002242 and am requesting to receive a copy of the Motion to Dismiss previously granted by a judge, thus causing this 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

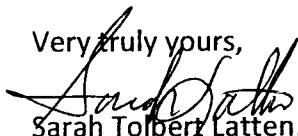
delineates the actions and omissions by Ms Smith before and after the death of Helen Grant Tolbert.

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 her 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 heirs finally received a Deed of Distribution, revised. The attorney of record can attest to this fact.

In this regard, I, Sarah Tolbert Latten, am appealing within this Motion to Reinstate, the judge's decision to grant the Motion to Dismiss by the respondent, Carolyn Tolbert Smith and grant the Motion to Reinstate so that all of the inheritors to the will (still not distributed to the heirs by Carolyn Tolbert Smith) 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,



Sarah Tolbert Latten, Appellant, Pro se

MOTION TO REINSTATE

RECEIVED
SEP 03 2019
SC Court of Appeals

Dear Sir or Madam,

I am submitting this Motion to Reinstate, but first, I must apologize to the court for the delay in submitting this Motion to Reinstate to you. Please note that the delay was caused by the information I needed from the Clerk of Court Division to submit to you at your request, despite my efforts. In fact, to date, the actual copy of the Motion to Dismiss by Carolyn Tolbert Smith has never been sent to me. To date, I have not received the required copy. In fact, the copy was not forthcoming despite the following search information provided to me by various representatives in the Clerk of Court Division, thus:

Clerkofcourt.charlestoncounty.org

Online services, click court plus, search court records, insert case number. Here, you will note that only 4 numbers of the 13 number case were allowed to be accepted into the system, rendering the search null and void. The clerk of court division was unable to correct this problem, thus the delays.

Other search information provided to me by the Clerk of Court division:

Charlestoncounty.org

Circuit court, search. A listing of all cases appeared but there was not your required "COPY" of the Motion to Dismiss by Carolyn Tolbert Smith available for me to review.

also

Charlestoncountyclerkofcourt.org, circuit court, search, accept, case#2018CP1002242. When clicking on the listing for Carolyn Tolbert Smith's Motion to dismiss, still no copy of the Motion to Dismiss appeared nor has it ever been sent to me via US Mail service.

Subsequently, I called the Appellate Court representative to discuss my reasons for the delay in submission. Please note that my phone recorded messages to the Clerk of Court division did not result in call backs, thus causing further delays. Again, I have not received a copy of the motion to dismiss via US postal mail.

Despite the delays previously mentioned, I am submitting this Motion to Reinstate which arises from the Partition Action #2018CP1002242 and am requesting to receive a copy of the Motion to Dismiss previously granted by a judge, thus causing this 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

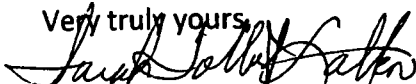
delineates the actions and omissions by Ms Smith before and after the death of Helen Grant Tolbert.

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 her 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 heirs finally received a Deed of Distribution, revised. The attorney of record can attest to this fact.

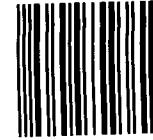
In this regard, I, Sarah Tolbert Latten, am appealing within this Motion to Reinstate, the judge's decision to grant the Motion to Dismiss by the respondent, Carolyn Tolbert Smith and grant the Motion to Reinstate so that all of the inheritors to the will (still not distributed to the heirs by Carolyn Tolbert Smith) 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,



Sarah Tolbert Latten, Appellant, Pro se



U.S. POSTAGE PAID
 P.M.E. 2-Day
 LOS ANGELES, CA
 90028
 OCT 12, 19
 AMOUNT

\$28.30

R2304M113945-08

PRESS FIRMLY TO SEAL

1007

29201

**RETURN RECEIPT
 REQUIRED**



EL260888875US

WRITE FIRMLY WITH BALL POINT PEN ON HARD SURFACE TO MAKE ALL COPIES LEGIBLE.

CUSTOMER USE ONLY

FROM: (PLEASE PRINT) _____ PHONE () _____

PAYMENT BY ACCOUNT (if applicable)

DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

- No Saturday Delivery (delivered next business day)
 - Sunday/Holiday Delivery Required (additional fee, where available*)
 - 10:30 AM Delivery Required (additional fee, where available*)
- *Refer to USPS.com® or local Post Office™ for availability.

TO: (PLEASE PRINT) _____ PHONE () _____

ZIP + 4® (U.S. ADDRESSES ONLY)

For pickup or USPS Tracking™, visit USPS.com or call 1-800-275-3773
 \$100.00 Insurance Included.

RECEIVED

OCT 15 2019

SC Court of Appeals



**PRIORITY
 ★ MAIL ★
 EXPRESS™**

ORIGIN (POSTAL SERVICE USE ONLY)

<input type="checkbox"/> 1-Day	<input type="checkbox"/> 2-Day	<input type="checkbox"/> Military	<input type="checkbox"/> DPO
PO ZIP Code	Scheduled Delivery Date (MM/DD/YY)	Postage	
Date Accepted (MM/DD/YY)	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input type="checkbox"/> 12 NOON	Insurance Fee	COD Fee
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	10:30 AM Delivery Fee	Return Receipt Fee	Live Animal Transportation Fee
Weight <input checked="" type="checkbox"/> Flat Rate	Sunday/Holiday Premium Fee	Total Postage & Fees	
	Acceptance Employee Initials		

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature

LABEL 11-B, SEPTEMBER 2015

PSN 7690-02-000-9996

3-ADDRESSEE COPY