

**RECEIVED**

**Jun 11 2024**

**S.C. SUPREME COURT**

In The court of appeals

---

APPEAL FROM GREENVILLE COUNTY court of Common Pleas

Charles B. Simmons Jr

C.A. No.: 2020-CP-23-00939

---

Appellate Case No. 2020-001699

---

Kenneth Curtis, Respondent,

v.

Cynthia J. Glenn, Appellant,

---

RECORD ON APPEAL

---

9/1/05 20

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Kenneth Curtis, )  
Plaintiff, )

C.A. No. 03-CP-23-7936

vs. )

Thomas E. Curtis, )  
Defendant. )

ORDER

ENTERED COMPUTER

This action involves a son and fathers' deteriorating relationship that has resulted in this lawsuit.

Plaintiff (also hereinafter referred to as "Ken") instituted this action on November 20, 2003. The Defendant (also hereinafter referred to as "Tom") timely answered, counterclaimed, and instituted a Third-Party Complaint against Sarah Prideaux, the sister of the Plaintiff and the daughter of the Defendant. During pre-trial proceedings, the Third-Party Defendant was dismissed without prejudice and matters proceeded to trial on the Plaintiff's Second Amended Complaint, filed on February 7, 2004, and Defendant's Answer to Second Amended Complaint filed on April 5, 2004, containing numerous affirmative defenses and excluding the Third-party Defendant previously dismissed without prejudice. The case took almost five (5) non-consecutive days to try.

**PROCEDURAL HISTORY**

There were many pre-trial proceedings, which culminated in the case being tried on the pleadings as aforereferenced. Plaintiff's Second Amended Complaint contains eight causes of action, which had been winnowed and refined by Defendant's previous unsuccessful motion to dismiss. After all testimony was received, the Court conducted post-trial conferences with the

parties, and at the request of the parties, and at the close of the evidence, the Court personally inspected the property on July 14, 2005. In a post-trial conference, the Court also ordered, at the expense of the parties, a boundary survey and an appraisal of the property. Said survey and appraisals were accomplished and the Court then held post-trial proceedings on the record whereby it called the surveyor and the appraisers who were examined by the parties.

The issues and facts presented to the Court for consideration are complicated and sadly involve the Plaintiff/son suing his Defendant/father. As will be noted during this Order, the parties litigated issues in Greenville County Probate Court, Greenville County Magistrate's Court, and now in the Court of Common Pleas, by consent before this Master-in-Equity, sitting without a jury. The Court fully anticipates, based upon the parties dealings with each other thus far, that the ultimate resolution of this feud will likely be decided by the appellate courts of this State.

### HISTORY

There is a lengthy history between the parties. The Defendant, Thomas Curtis and his late wife, Martha, had three children: the Plaintiff, Kenneth Curtis; a daughter, Sarah Prideaux; and a son, David Curtis. They lived in northern Greenville County on property adjacent to the property in question in this lawsuit. In 1971, because of economic conditions, the Curtises moved to California where work was available. They had bought one of the tracts of property currently before the Court, consisting of approximately 13.7 acres. Economic conditions were good in California, where the Plaintiff graduated from high school, was employed as a sheet metal fabricator/mechanic, but he always had a desire to return to South Carolina.

**KENNETH CURTIS'S TESTIMONY**

Testimony revealed that in the early 1980s, the Plaintiff created a "business plan", which he went over with his parents, the sum and substance being that if he returned to South Carolina, improved the property, became gainfully employed, built a home on the property, then at the death of his parents, the property would be his. At the time of the initial purchase, the 13.7 acres tract was undeveloped, very rough mountain property, consisting of steep ascents, deep ravines, river bottom land, with dense vegetation.

When Plaintiff, Ken Curtis, returned to South Carolina in 1983, based on what he said were promises made by his parents and memorialized in his "business plan", he began living on the property and has, and continues to live on the property. Prior to the family moving from South Carolina to Los Angeles, California in 1971, the Curtis family had lived on property adjacent to the property in question. Prior to Plaintiff deciding to move back to South Carolina, he had been talking to his parents for two or three years following his graduation from high school, and had created a "business plan", required by his parents, that would enable him to move back to the family's property.

The Plaintiff testified that in 1983 an agreement was reached. He borrowed money, withdrew his savings, and quit a well paying job in order to return to South Carolina. He testified that he was to find employment, clear the property, set up a septic tank system, a water system and a home on the property. The agreement he had with his parents was that the property would belong to him at their deaths if he fulfilled these terms. An additional condition was that if his parents (Thomas and Martha) wanted to retire to the land, they could live on the land with the Plaintiff. Plaintiff testified that he had made written notes about the agreement in 1983, but he was unable to produce those notes or the "business plan".



Upon his return to South Carolina, the Plaintiff noted that the property was very overgrown and mountainous. He lived in a camper on the property, while he worked at clearing the land, making it habitable, all while gainfully employed at his trade.

In approximately 1986, a survey was accomplished in order to determine the boundaries between the Defendant's property and that of an adjoining neighbor. Following the survey, it was discovered that the Plaintiff, using information that had been provided to him by his father, had inadvertently placed the septic system and other improvements on the neighbor's property. After negotiations with the neighbor, Mr. Johnson, the Ken, his father, and the Tom's now deceased wife, the Defendant and his wife purchased Mr. Johnson's tract of land in 1987, which consisted of approximately 40 acres. After buying this 40 acre tract, Plaintiff testified that his parents expressed a desire to return to South Carolina and asked him to construct a home for them. In exchange, he was to receive the home and the additional 40 acre tract when they died. Plaintiff testified that he had a good relationship with his parents over the years, but that nothing was placed in writing, since they all trusted one another. In any event, Defendant and his wife, Martha, returned to South Carolina, in about 1987, living with friends in the immediate area for a few months, until the Plaintiff moved a trailer onto the 40 acre tract for them to live in.

The property became, for lack of better terminology, a family compound, was designated within the family as "TOMAR". The name TOMAR comes from the names of the Defendant, ThOmas, and MARtha, his late wife. Testimony revealed that their collective intent and purpose was to establish TOMAR as a home place where the parties could be self-sustaining and live off the land, if need be. Ken testified that the property was not to be compromised, nor the subject of a mortgage. The water system was constructed so that no power was necessary for its operation. It utilizes a gravity feed system. They would use wood for heat, raise animals, and

use other natural resources existing on the land. In order to protect the property and gain access to it, Plaintiff testified that he and John McDonald and others constructed a labyrinth of roads throughout the property, providing access and enabling a tractor to traverse the property, as well as fire equipment, should same be necessary.

Plaintiff testified he spent many hard years clearing, maintaining, building and installing the water and septic systems, building sheds, trimming and removing brush and trees, grading, etc. and that he paid all costs and did the bulk of the labor himself.

Introduced into evidence were numerous photographs of the property and various improvements made to the property, all evincing that substantial raw materials and labor were provided by the Plaintiff over the years in the improvement of the property, in reliance upon the representations made to Plaintiff by the Defendant and his late wife, Martha.

Plaintiff testified that after some time living in the trailer, he was approached by the Defendant about building a house for him and Martha. Ken testified that his father promised that if the Ken would build it, then he would receive the home at Defendant's death. A verbal agreement was reached, whereby the Defendant initially paid Plaintiff and John McDonald \$5.00 per hour which later was increased to \$6.00 per hour to construct the home. John McDonald is unrelated to the family, but moved onto the property in approximately 1988, and performed a great deal of work on the property too.

Ken and John McDonald built the home on the side of a deep ravine, doing the vast majority of the work and providing a many of the materials. During the course of construction, Plaintiff testified that the Defendant told him that he had run out of money, but that he wanted the house to be completed, and he reiterated his promise that the house and property would be left to the Plaintiff at the Defendant's death. The Defendant did purchase most of the materials,

but Plaintiff and John McDonald provided the vast majority of the labor and purchased some of the supplies. The Defendant and his wife Martha, moved into the house in late 1991, and Martha and the Defendant lived in the house until Martha's death in 1997. Defendant still lives in the home.

Interestingly, on March 18, 1987, after the Defendant had purchased the additional 40 acre tract, he prepared a Last Will and Testament, leaving all of the property to the Plaintiff, and naming Plaintiff as his personal representative. Plaintiff testified that his father gave him a copy of this Last Will and Testament, to confirm the oral promises made to him, which he testified that he fulfilled by performing the services herein stated, for the Defendant and his wife, Martha.

The dealings and the relationship between these two strong willed men, were positive and ongoing for many years. Defendant's wife, and Ken's mother, Martha, died in 1997. Throughout, the family provided mutual support for one another, working toward the common goal of establishing TOMAR as a haven or a sacred place for the Curtis family to reside and be buried upon. In fact when Martha died in 1997, by the agreement of all, she was buried on TOMAR in a grave dug by the Plaintiff and other family members. Her remains were laid to rest in a hand hewn casket made by the Plaintiff. Family members attended the service for her burial, which was on the side of one of the steep grades, deep within the woods. The Defendant, due to his affliction with cerebral palsy, is unable to walk in the woods, so he was carried to the grave site by Plaintiff on the Plaintiff's back. Testimony revealed that throughout these times the family worked in concert to advance the goals for TOMAR by improving the property. The Court received much testimony and evidence showing the nature of the property, and the extensive care and maintenance provided to it over the years by the Plaintiff.

Some years after Martha's death, Defendant met and became engaged to Lyda. She was divorced the day before they were married. Prior to the remarriage, Plaintiff and the Defendant met, confirming the understandings among the family, that his father would protect the property from his new wife, and preclude her from receiving any type of inheritance in the land. They agreed the property would not be encumbered, confirming those promises made by his father, and that Plaintiff would receive the land at his father's death. After Defendant's marriage to Lyda, he had his attorney prepare a new Last Will and Testament, that left his new wife a life estate in the property, but still leaving the Plaintiff all the property. This Last Will and Testament was issued on February 11, 2000. Plaintiff testified that his father told him that this was his guarantee that he, Plaintiff, had nothing to worry about with his new wife, and that he, Defendant, intended to fulfil all promises which had been made to him.

b7  
A few years later, the relationship between the Plaintiff and the Defendant soured when Plaintiff discovered that the Defendant, contrary to the agreements between the two men, had placed a mortgage on the property. Plaintiff testified that he and Defendant had always understood, and his father agreed, that there would never be any debt encumbering the property, nor would either of them ever sell the property. The intention was for the property to be a sacred place and a haven for the Curtis family where they could survive should they fall on hard times. 7  
The land would always be held as a "family trust".

A verbal confrontation occurred concerning the mortgage, quickly turning hostile and ending in a minor physical altercation between Plaintiff, Defendant and Defendant's new wife, Lyda. Following this altercation, the Defendant told Plaintiff that the property was his (the Defendant's) and if he didn't like it he could get off the property and live in the streets. Shortly

after that, the Defendant began an eviction action in Magistrate Court. This action has been stayed pending resolution of this action.

Ken testified extensively, that over his 20 plus years living and working on the property he has invested labor and materials in excess of \$674,650.00. This figure was derived by using the labor rates of what he felt a contractor would charge for the work he did. It also includes many items which have not benefited Tom, in the form of a guest house (a paneled over mobile home), a motorcycle shed, etc. Plaintiff produced numerous receipts for materials he had purchased for the property over the years.

On cross-examination, Ken admitted that during his time on the property, he never paid any rents or property taxes. However, he stated that even considering the value of the rent, and taxes, the value of his services was far greater, considering all material and improvements, but in particular the ingenious second gravity water system he constructed. On one of the steep sides of a ridge, there is a cave in which there is a spring. Ken testified that he and John McDonald dug out the cave, obtained the pure water from the cave, and sealed the cave with a sheet metal barrier manufactured by Plaintiff. They then piped the water by gravity to the water storage house, a small pre-fabricated building placed in the upper reaches of a ravine above the house constructed by the Plaintiff and John McDonald for the Defendant. In the water storage house are huge stainless steel tanks (reservoirs) that provide water and head for the system. They then piped water down the ravine, under the Defendant's house, thus serving the house and then to the other residences throughout TOMAR, providing water service to all.

The Plaintiff testified he expended innumerable man hours and at least \$20,000.00 in the materials and labor in the construction of the water system. To this day, it still requires maintenance, filter changes, repair of any ruptured lines, etc. Ken also testified that the labyrinth

of the roads still require maintenance. Innumerable trees have been removed and other must be trimmed and pruned as needed. He cleared the bottom lands, and he maintains the main road providing ingress and egress.

### TESTIMONY OF SARAH PRIDEAUX

Sarah Prideaux is the sister of the Plaintiff and daughter of the Defendant. She resides in California. She testified that her father (Defendant) had always wanted the children to return to the property but Ken (Plaintiff) was the only one who wanted to return. She also testified that if she, her children, or her now deceased brother, wanted to live on the land, they were told there would always be a place for them on the land. She testified that she was not exactly sure what the precise "deal" was between Plaintiff and the Defendant regarding Ken's return to South Carolina, but it was always her impression, based on their conduct over the years, that the Defendant wanted the property to remain in the family, for the benefit of the children and the grandchildren.

6  
9  
Sara Prideaux testified that during the summer of 2003, her father (Defendant) called her and said that he was going to sell the property, kick her brother, Ken, off the property and live in a trailer at some other place. She testified that her father was very upset over the confrontation with Ken over the mortgage (encumbrance), and that is what, in her opinion, precipitated the deterioration of a relationship between the two men.

Based on the her father's comments, and her understanding over the years that the property would always be left to the children, she instituted a conservatorship proceeding in the Greenville County Probate Court. She was under the opinion and belief, that her father, contrary to his actions and conduct in the past, could no longer make financial decisions in his best interests and that he was *non compis mentis*. After a hearing in Greenville County Probate

Court, no conservator was appointed based upon a finding that Tom was capable of handling his own affairs. However, this action further strained, understandably, the relationship between Tom and his children.

### **TESTIMONY OF BRIAN CURTIS**

Brian Curtis, the 19 year old grandson of the Tom and the son of David Curtis, who died on August 18, 2002, testified. He stated that over the years his grandfather, the Defendant, had always told him that the family property would always be there for him and he could always come and live on the land and be buried on the land. Following the Greenville County Probate hearing, Defendant (Tom) told him he was no longer welcome on the land and more particularly, that he was no longer his grandson. Of interest, when Brian's father, David, died, he assisted Plaintiff and other members of the family, in digging his father's grave on TOMAR. Brian's father is buried next to his grandmother, Martha.

### **TESTIMONY OF JOHN KUIPERS**

86  
1  
3/0 John Kuipers testified that he always considered himself part of the Curtis family. He came to the property in 1983 to help the Plaintiff clear the land, construct the roads and work on the trees. He estimated that he had taken off the land, or assisted in taking off the land, in excess of 400 to 500 trees. While he never heard Tom state exactly what the "deal" was regarding the Plaintiff's involvement with the property, Plaintiff had always told him that his father was leaving him the land upon his death. At the time he was working on the property on a regular basis, performing extensive labor with Plaintiff and John McDonald, Plaintiff's relationship with his father was good and all the improvements were done to his satisfaction, but not with Defendant's participation given the Defendant's physical limitations.

### **TESTIMONY OF EMMA CURTIS**

Emma Curtis is the ex-wife of Defendant's deceased son, David Curtis. She testified that she remembered Plaintiff and Defendant having discussions in California, prior to Plaintiff's return to South Carolina and that Defendant had a legal pad with writing on it, concerning the agreement with Ken to move to the property in South Carolina. She testified that the Defendant told her that the agreement was that Ken (Plaintiff), in exchange for working on the land, would receive part of the land at his (Tom's) death.

### **TESTIMONY OF BETTY BOWERS**

A long time family friend, Betty Bowers, also testified. She lives near the property at issue and has known the Defendant since 1963. She was close friends with the Tom's first wife, Martha, before they moved to California in 1971. In fact, she went to California and visited with the Curtises. She testified that in 1979 Ken came to stay with them for a week and walked the property during that time. He then came back to live on the property in 1983. When he returned, it was clear to her that the Plaintiff was under the impression that he was to move onto the property and live there, which he did. She testified that the property was in very bad condition prior to the Plaintiff moving onto the property and that he did extensive back breaking work improving the property over the years. She testified that after the Defendant moved back to the property, on numerous occasions, the Defendant told her that the property should stay in the family as the Plaintiff had proven himself by all the work that he had done, and he did a terrific job. While she testified that Defendant never specifically said that he would give the property to Ken, he certainly indicated to her that that is what would happen as part of the deal between him and the Ken.



**TESTIMONY OF THOMAS CURTIS**

Defendant Tom Curtis is 74 years old. His first wife, Martha, died in 1997, and as stated he married Lyda in 2000. While he initially denied that he had ever told Ken that he could have any portion of the properties, either the 13.7 acre tract or the later acquired 40 acre tract, he later testified that he had told Ken he would receive the land if he took care of him and the land. He admitted that he was aware that the Plaintiff had been bettering the land since he first moved to TOMAR in 1983 because Plaintiff (Ken) thought he would get the land at the time of Defendant's death.

Notwithstanding, Tom then testified that the contributions and improvements made by Ken over the years had been minimal and he had no intention of compensating him. As relates to the house, Defendant testified that he paid Ken \$6.00 an hour consistently until the house was complete. He also testified that he hired other persons to do basic construction of the house. However, he could not remember any names, nor did he produce any receipts or documents to back up any of his assertions.

Defendant confirmed that the relationship rapidly deteriorated when Plaintiff found out that he had placed a mortgage on the property in late 1999, and another mortgage in 2002 for \$42,000.00, encumbering the entire tract of land. Listed as mortgagors are Tom and Lyda Curtis.

He testified that Plaintiff became irate as the result of their argument. Defendant testified Ken pushed his new wife, Lyda. Defendant testified that he changed his mind at that point and felt, and still feels, that the Plaintiff should leave the land, receive no benefits for anything he has done over the last 20 plus years in the way of work or improvements on the land, and go out on the street. Despite the promises and earlier wills leaving all the property to Ken, Defendant has

now issued a Last Will and Testament leaving all his property to his current wife Lyda, leaving nothing to Ken or Ken's sister.

### TESTIMONY OF JOHN MCDONALD

John McDonald testified that he has been like a member of the family for years, having moved onto the property in 1988. He testified that he and Ken are very close, and that he and Tom Curtis were very close. He testified that Tom had made promises to him, which are the subject of his lawsuit before this Court.

In the final blowup in the relationship between the Plaintiff and the Defendant, Defendant directed John to leave the property as well. He did not move and still resides on the property. His lawsuit against Tom is currently pending, alleging that Defendant (Tom) granted him a life estate on a portion of the property. Nonetheless it is stipulated among the parties that the mobile home in which John lives on the property is his and not owned by either the Plaintiff or the Defendant, regardless how title is held.

5  
13  
John further testified that in 1988, Defendant (Tom) told him that the deal with Plaintiff (Ken) was that in exchange for Ken's work done over the years and his continued personal care, at his death all the property would go to Ken. John's testimony confirmed the work done with Ken on Tom's house, and that Ken (and he) provided firewood, personal care, and meals for Tom and other services for Tom consistently over the years.

John also testified that during construction of the house, Defendant approached both of them, stating that he was out of money and asked Ken and him to continue the job since the house would be Ken's at Tom's death. Based on the promises, they did complete the house.

### KEN CURTIS'S ADDITIONAL TESTIMONY

Ken testified that in addition to providing improvements to the property that he also provided personal services for his father. He stated:

A. Everything humanly possible that a good son would do is what I would do. And what I have done is cared for both of them [Tom and Martha] when they were hospitalized or bedridden at home. My father, in particular, has had major surgeries where I had to literally get him up every morning, cook his breakfast, get him into the shower, onto the toilet, off the toilet, clean him up, change his dressings, empty his bedpans. (Deposition Transcript p. 48, lines 4-11 and Trial Exhibit.)

A. Anything having to do with manual labor, anything that required any kind of building, any kind of plumbing, electrical, carpentry, I did, I do. Whatever they needed done, they called me, whether it's carrying groceries out of the car into the house, whether it's driving them somewhere that they need to go for a doctor's appointment, whatever it is, I do and have done extensively. I installed lifts, his wheelchair lift, for instance, two different lifts. When it came time to build their house, it was me they relied upon to get the house built. (T. p. 49, lines 22-25 to p. 50, lines 1-8 and Trial Exhibit.)

Q. And on your dad, it was just his cerebral palsy, the deterioration of that, that you would call his failing health?

A. Yes, not just failing health, but limited ability.

Q. Now, when you did stuff on the property, maintaining it, like you were talking about clearing, grading, water, different things like that, did you have to purchase like the materials and stuff for that or did your parents purchase the materials?

A. I purchased the majority of them. It just depends on what the particular task was. (T. p. 51, lines 23-25 to p. 52, lines 1-8 and Trial Exhibit.)

### TESTIMONY OF LYDA CURTIS

Lyda Curtis testified that the parties had a good relationship up until the time when Plaintiff discovered that her husband had mortgaged the property in contravention of an agreement between her husband and Plaintiff. She stated that Tom had always told her that it was his intent to give the children the property until such time as Plaintiff (Ken) got belligerent and "cussed" his father because of the mortgage encumbrances. That, according to Lyda, changed Tom's mind and the agreement. Lyda Curtis testified that she makes no claim to the

years of hard labor and diligent work. What was at the time of his going on the land in 1983, an undeveloped, overgrown, rural mountain tract now supports three separate livable structures, a septic system, an ingenious water system, and the family cemetery. It is clear to the Court that the blowup between the Plaintiff and the Defendant relative to the mortgages is what caused the relationship and the "deal" relative to the land to fall apart. The question then becomes, under laws of this State, what relief, if any is proper to grant to Plaintiff (Ken Curtis).

9/17/05

### LAW and ANALYSIS

Plaintiff alleged numerous causes of action, many of which were dismissed at the close of the Plaintiff's case based on the Defendant's Motion for Involuntary Nonsuit. The two surviving actions are found upon Breach of an Oral Contract to Make a Will and Promissory Estoppel. It is prudent to consider *Wright vs. Trask*, 329 S.C. 174, 495 S.E. 2d 222 (Ct. App. 1997), which presents a factual situation remarkably similar to the facts in the case at bar. Wright was the grandson of Trask, who left a well paying job to take over the management of a large cattle breeding and ranching operation in Abbeville County. Trask promised Wright that the property would be his, under circumstances similar to those in the case at bar. Numerous witnesses testified confirming the agreement. Once the relationship between Trask and Wright deteriorated, Trask's only offering . . . "was his own bold denial of any agreement. Trask attempts to supplement his denial by asserting that any declaration which he may have made to Wright did not effectively relinquish his testamentary power." *Id.* at 179, 227

Under the circumstances, the Court of Appeals held that this action was not barred by the Statute of Frauds. It also held . . . "Wright proved by definite, cogent, clear, and convincing evidence that he and Trask entered into an oral contract to make a will, the oral contract to make

a will was not barred by the Probate Code or the Statute of Frauds, [and] specific performance was a proper remedy for breach of the contract to make a will" . . . *Id.* at 185, 230

*Wright* also stands for the proposition that South Carolina recognizes the pre-probate Code right to contract to make a will. *Id.* There must be a contractual intent, an actual meeting of the minds of the parties, and valid mutual consideration. "Such contracts [to make a will] are regarded with suspicion and will not be sustained unless established by definite, clear, cogent and convincing evidence, a higher degree of proof than is necessary in the usual civil case." [citations omitted] *Brown vs. Graham*, 242 S.C. 491, 493, 131 S.E.2d 421, 422 (1963).

Applying the logic of *Wright* and *Brown*, the original agreement in the case at bar, relative to the 13.7 acre tract was entered into in 1983 and the subsequent agreement relative to the 40 acre tract was entered into prior to July 1, 1987, thus the evidence clearly and convincingly establishes a pre-probate oral contract to make a will existed.

85  
217 As to the theory of the equitable remedy of promissory estoppel, the key case is *Satcher vs. Satcher*, 351 S.C. 477, 570 S.E.2d 535 (Ct. App. 2002). The elements of promissory estoppel are: "(1) the presence of a promise unambiguous in its terms; (2) reasonable reliance upon the promise by the party to whom the promise is made; (3) the reliance is expected and foreseeable by the party who makes the promise; and (4) the party to whom the promise is made must sustain injury in reliance upon the promise." *Id.* at 483, 484, 538.

Promissory estoppel looks at a promise, its subsequent effect on the promisee, and in certain circumstances bars the promisor from making an inconsistent disposition of property. As established in *Satcher*, the Plaintiff must prove each element by clear, cogent and convincing evidence. *Id.*

Like the facts in *Wright*, the facts in *Satcher* are remarkably similar to those in the case at bar. Plaintiff Satcher, known as "Chip", was the grandson of Defendant Satcher (Grandfather). Grandfather made promises to Chip. Chip left his well paying job at the Westinghouse Savannah River Plant to farm Grandfather's land. Chip borrowed money to purchase farm equipment and obtain working capital. He planted crops, cleared new land, installed irrigation and sharecropped with neighboring farmers. The Court found there was ample testimony from several disinterested witnesses, that Grandfather promised certain property, known as Slide Hill, to Chip.

In reasonable reliance on that promise, Chip moved to the house and provided Grandfather with companionship and other services for more than twenty years. In further reliance, Chip gave up his opportunity to purchase a house, investing time and effort in Slide Hill and Grandfather's care. All of this was foreseeable and intended by Grandfather who did not wish to live alone on the property. Additionally, we find that Grandfather's actions during the course of the time Chip lived with him reinforced Chip's reliance on that promise. Grandfather's subsequent inconsistent actions do not weaken Chip's promissory estoppel claim for Slide Hill. . . Moreover, we believe it would be an injustice not to apply the doctrine of promissory estoppel here because of the extreme amount of time and energy Chip has expended in reliance on Grandfather's promise. . . *Id.* at 486, 539, 540

18 It is clear after a thorough and careful review of the evidence and testimony in the case at bar that Plaintiff has established through clear, cogent, and convincing evidence that he reasonably relied upon the representations made by his father in moving from California to the South Carolina property in 1983. It was further conclusively established, by clear, cogent, and convincing evidence, that in the 20 plus years that Plaintiff has lived on the property, he provided extensive labor and materials, taking a raw, undeveloped and heavily overgrown, mountainous parcel of land, and transformed it into a livable parcel that now has a value in excess of \$300,000.00. It is, for at least until the parties relationship deteriorated in 2002, obvious that Plaintiff provided companionship, personal services, extensive care and assistance to the Defendant and other family members, particularly Martha, Tom's now deceased first wife.

Further, by clear, cogent, and convincing evidence, Defendant's actions, over the 20 plus year period repeatedly and consistently reinforced Plaintiff's reliance upon the promises made. Defendant's subsequent inconsistent actions and statements, simply do not, and can not, overcome Plaintiff's promissory estoppel claims based upon his many years of hard work, labor and dedication to fulfill his obligations under the promises. Further, it would simply be an injustice not to apply the doctrine of promissory estoppel in this case, because of the extreme amount of time, energy, and effort the Plaintiff has expended in reliance upon Defendant's promises. The Defendant has admitted that there were agreements and that Plaintiff/Ken fulfilled them, as corroborated by independent witnesses. In *Wright*, Trask's bold denials were not allowed to stand, (*Wright* at 179, 227); similarly the Defendant's must not be allowed to stand either. While understanding Tom's frustrations and anger over the way the matter was and has been handled by Ken, such simply cannot overcome the years and the work and the finances invested by Ken in and on this property.

25  
=19  
Having found that the evidence and testimony, by clear, cogent, and convincing evidence fully support Plaintiff's claim based on the theory of promissory estoppel or an oral contract to make a will, the court must decide what precise relief to award or grant. On the one hand, it is clear to the Court that the "deal" has always been that upon Defendant's death, Ken and the other children would receive the property. Since Defendant's other son, David, is now deceased, there is no basis to find any entitlement to be made to his estate for this property. Further, it is likewise clear from her testimony, that Defendant's daughter, Sarah Prideaux, makes no claim for the property, although she does have a right according to the clear, convincing and cogent testimony, to reside on the property should she so desire. Further, even if the late David Curtis or Sarah Prideaux had been in a position to make any claims, the facts simply do not establish

any basis to support any theory of recovery they might have had. Rather, it is clear that all work over the years was done by the Plaintiff.

After careful consideration, Plaintiff is entitled to some manner of recovery, with the possibility of Plaintiff receiving all the property in light of the testimony indicating that this would happen upon Tom's death. But, the Court is convinced that such a result, under the unique facts of this case, would not be to render "justice". And, to require the Defendant to transfer property upon his death, would greatly limit what the Defendant, who is advancing in age and poor health, could do with the property in the interim. And it is clear from the testimony that based upon Defendant's physical condition, he is most likely not going to be able to reside in this mountainous area much longer.

### RULING

*K* In that this is a court of equity, the Court has concluded that the result that is fair to both parties, as is amply supported by the evidence in the record, is, and would be, to divide the property on a 50/50 basis between the parties. Such a division would allow Plaintiff immediate *20* access to, and ownership of, the one-half of the land that he has been principally occupying since he moved upon the property. It would likewise provide Defendant/Tom Curtis with his house and the area of land that he has been primarily occupying. In the Court's opinion, to hold otherwise would perpetuate a deeply simmering feud between a father and son. It would further result in requiring the death of Tom Curtis, who admittedly paid the initial purchase price for acquisition of these parcels, prior to any affirmative relief being granted. Delayed relief simply should not be promulgated by this Court.



Incident thereto, as previously mentioned, the Court directed that a survey be accomplished, which has been entered into the record, upon which contains a proposed division on a 50/50 basis as relates to the total value of the parcels. This shall be the division of the property. Within 45 days of the date of this Order, the surveyor, Mr. Williams, shall mark the final dividing line between the two tracts of land on the property and shall reposition the dividing lines based on the calculations as herein determined.

The Court awards the parties equal value in the property based on the appraised land value and the appraised value of the buildings and improvements thereon. The total tract contains 54.09 acres. The acreage awarded to the Plaintiff, multiplied by \$3,800.00, (the value of the land per acre), plus \$16,000.00 (representing buildings and improvements attributable to the Plaintiff), equals the acreage awarded to the Defendant, multiplied by \$3,800.00, plus the \$93,000.00 improvement attributable to the Defendant.

Based on the 50/50 division, the Plaintiff, Ken Curtis, shall receive 37.1766 acres of property, and the Defendant, Tom Curtis, shall receive 16.9134 acres. The surveyor is hereby directed to apportion the property using this acreage division by placing the dividing line in the same general area as the one placed on the plat admitted into evidence. At that time, the surveyor testified his line was a trial division based on preliminary information and that the division line had not been fixed on the property. He is hereby directed to mark the line on the property, using these acreages, recognizing that the cemetery will be on the property awarded to the Plaintiff, and that the water source and water storage house will be on the property awarded to the Defendant.

Additionally, as directed, the surveyor has placed the boundaries of the two tracts, splitting the ingress and egress road to the property. That resolution shall remain with each party

being granted a ten (10) foot easement on the other's property for purposes of ingress and egress, all as defined on the Plat to be prepared by the Surveyor. Reasonable and necessary maintenance of the ingress and egress road from the neighbor's property line into the property where it splits shall be borne equally by the parties.

The water storage house will be on the tract ultimately awarded to the Defendant. Plaintiff however, is granted a ten (10) foot permanent easement, with the center line being the existing water line for access over the Defendant's property for purposes of repair, maintenance and service upon the waterline. Plaintiff is also granted a ten (10) foot easement between the water storage house and the water source for purposes of access and maintenance to the water line, with the water line being the center line. Plaintiff is also granted an easement of ten (10) foot radius from the center of the water storage house and water source for purposes of access and maintenance to the water system. The surveyor shall note these water system related permanent easements on the plat.

Defendant is granted a permanent easement to visit the cemetery where his wife and son are buried. No specific route will be marked, in that the only way to the cemetery is by way of a steep service road. Upon the Defendant's death, the easement shall expire. Should he desire, the Defendant may be buried in the cemetery plot. The Court further recognizes that due to Defendant's physical limitations and abilities, that someone will have to transport or carry him to the cemetery site.

The Defendant is granted an easement onto the property to be received by Plaintiff for the septic tank system, for access to such extent as is necessary for its maintenance. All costs for the reasonable and necessary operation of the septic tank and water systems, repairs, replacement,

improvements, and maintenance thereof, since they are community systems, shall be divided equally, so long as they service both parcels of land.

As noted, there are currently two mortgages on the property, the first being the mortgage from the Defendant, Thomas E. Curtis, mortgagor with the Bank of Travelers Rest as mortgagee. The mortgage date is September 22, 1999, encumbering the entire property. Said mortgage was recorded by the Greenville County Register of Deeds in Book 3294 at pages 837 through 840. The underlying note is in the original amount of \$15,000.00 at the rate of 8.00 percentum *per annum*.

The second outstanding mortgage lists Thomas E. Curtis and Lyda E. Curtis as the mortgagors and the Bank of Travelers Rest as mortgagee. Said mortgage was executed on September 10, 2002 encumbering the entire parcel and was recorded by the Greenville County Register of Deeds in Book 3749 at pages 1059 through 1063. The original amount of the mortgage was \$42,000.00.

As relates to the apportionment of the outstanding mortgage balances, the testimony of Plaintiff Ken Curtis was that his father, the Defendant, had told him that \$25,000.00 of the proceeds of the September 10, 2002 loan went to Lyda's son. Defendant testified that the September 22, 1999 note secured by a mortgage was used to pay past debts, and that the September 10, 2002 loan was a refinance and to consolidate debt. Defendant also testified that the monies loaned to Lyda's son did not come from proceeds received from the notes secured by the referenced mortgages.

The Court finds that the outstanding mortgage balances should be apportioned equally between the parties. First, the Defendant denied that any portion of the proceeds went to Lyda's son. The possibility of these funds going to her son seems to be the basis of the Plaintiff's

argument that his father should be totally responsible for the balances due. Secondly, it is clear that the funds used to purchase the property over the years were funds generated by the Defendant. In fairness, it would now be inappropriate to require the Defendant to fully pay the balances on the mortgages in light of the fact that the Plaintiff is receiving one-half of the land and improvements.

Thus, within thirty (30) days of the date of this Order, the Defendant, by and through his counsel, shall provide to the Court, evidence of the outstanding balances of both the referenced mortgages as of April 5, 2005. These remaining balances shall be divided equally. One-half of the remaining balance shall be the responsibility of and shall encumber the property that is awarded to the Plaintiff; the other one-half balance shall be the responsibility of and shall encumber the property awarded to the Defendant. From the date of determination of the balances, the parties are granted three (3) months in which to refinance the property, implementing the Court's ruling. That is, Plaintiff's property shall be encumbered only by one-half of the outstanding balances herein determined. The Defendant's property shall be encumbered by the other half. Plaintiff is thus absolved of any responsibility of any other mortgage indebtedness encumbering the property.

24 Plaintiff also argues that the taxes should be satisfied by the Defendant. The Court has reviewed matters and orders that the taxes shall be calculated from the date of filing the Complaint on November 30, 2003. Each party shall be responsible for fifty percent (50%) of those taxes until the property is actually divided, and when it is divided by appropriate deeds the parties shall settle the tax issue. If as expected, the Defendant has paid the taxes, the Defendant shall be entitled to be reimbursed <sup>within 30 days</sup> one-half the taxes paid from November 30, 2003 to the date of transfer.

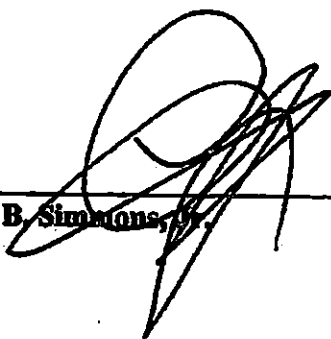
As previously noted, the Defendant instituted an eviction proceeding against the Plaintiff. That action is currently stayed, pending this Court's ruling in this action. Incident to the eviction action, the Magistrate Judge required the Plaintiff herein to post a \$5,000.00 bond. Plaintiff filed a \$5,000.00 cash bond, which is currently being held in trust by Magistrate Judge Michael D. Stokes. I find that these funds should be returned to the Plaintiff, since he is the one who posted the bond.

Thus, within ten (10) days of receipt of this Order by Magistrate Judge Michael D. Stokes, he shall return the posted bond of \$5,000.00 to the Plaintiff.

The Court retains jurisdiction to issue the requisite deeds consistent with this order to effectuate its ruling.

The Court also considered all post-trial motions. As to those not specifically addressed herein, same are denied.

AND IT IS SO ORDERED.

  
\_\_\_\_\_  
Charles B. Simmons, Jr.  
JUDGE

Date: 9/7/05

Greenville, South Carolina

Verified

## Kenneth Curtis vs. Thomas E Curtis

ENTERED COMPUTER

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy:
- ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
- ☐ Other: \_\_\_\_\_

IS ORDERED AND ADJUDGED:

☐ See attached order;☐ Statement of Judgment by the Court:

SEE ATTACHED ORDER

dated at Greenville, South Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Court Reporter:

PRESIDING JUDGE -

Judgment was entered on the 14th day of September, 2005, and a copy mailed first class this 14th day of September, 2005 to attorneys of record or to parties (when appearing pro se) as follows:

David D. Armstrong Armstrong Law Firm Po Box 10855  
Greenville, SC 29603

Magistrate Michael D. Stokes

Susan Pringle Ingles South Carolina Centers For Equal Justice  
701 S. Main Street Greenville, SC 29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

property. It is clear to the Court that the present lawsuit is the result of both men being convinced that they are completely right and the other is completely wrong.

### APPRAISAL AND SURVEY

At the conclusion of the trial, and after meeting post-trial with counsel, as already stated, the Court directed a perimeter survey be done of both parcels with an appraisal of various structures on the property. Since one of the possible results that could be reached by the Court was a property division of some type, the Court felt it prudent to receive this information into the record. Both parties were directed to pay one-half of the costs of the survey and appraisal.

3800  
x 12

\$45,600

As it relates to the appraisal of the land, which consists in total of 54.09 acres, the appraised value is \$205,542.00. This is approximately \$3,800.00 an acre, based on a "blended value". As relates to the value of the structures, the house where Tom Curtis (Defendant) resides, the value is \$93,000.00. The home/trailer where Ken Curtis lives has a value of \$12,000.00, and the remaining outbuildings have a total value of \$4,000.00, which are attributable to the Plaintiff. The total value also includes all residential structures having water access from the current water system Ken Curtis (Plaintiff) designed and installed. So, as of April 5, 2005, the total value of the land and structures is \$314,542.00 (John McDonald's home/trailer valued at \$12,000.00 is not included in the overall valuation).

### FINDINGS

It is clear to the Court, that since Ken Curtis moved onto the land in 1983, that he has had a reasonable expectation that the land would one day be his, at least in part. The reasonableness of this expectation is firmly buttressed by the credible testimony of all the other witnesses and the Plaintiff that provide clear, convincing, and cogent evidence of this agreement. It is further clear to the Court that the Plaintiff has greatly enhanced the value of the property through many

STATE OF SOUTH CAROLINA                     )       IN THE COURT OF COMMON PLEAS  
COUNTY OF GREENVILLE                    )       C.A. No.: 2020-CP-23-00939

Kenneth Curtis,                     )  
                                                          )  
                                                          )  
                                                          )  
                                                          )  
                                                          )  
                                                          )  
                                                          )  
Cynthia Glenn,                     )  
                                                          )  
                                                          )  
                                                          )  
                                                          )  
                                                          )  
\_\_\_\_\_  
                                                          )

**ORDER**

This matter is back before the Court pursuant to Plaintiff's Motion to Alter or Amend filed November 5, 2020 and Defendant's Motion for Definite Statement, for Relief, to Dismiss and Recusal filed November 9, 2020, and Defendant's Motion for a New Trial and Intervention filed October 22, 2020. The Court has also reviewed Defendant's Reply to the motions filed by Plaintiff.<sup>1</sup>

At the outset, the Court notes that as established by the voluminous record in this matter, the parties have been in litigation for quite some time. From magistrate court actions, to various administrative agencies in South Carolina, to the present action, it is clear that the parties have a good faith dispute and strong emotional convictions relative to this case. Both are convinced that they are completely in the right and that the other party is completely in the wrong.

With the above context, the Court addresses the motions as follows:

As to Plaintiff's Motion, Plaintiff seeks for the Court to declare that Plaintiff is a minister and that the property involved herein, Saluda Rest Natural Burials and Ministries, is a church and

---

<sup>1</sup> Based upon the Court's familiarity with the record and the detailed nature of the respective motions, a hearing is not necessary. See, Pollard v. County of Florence, 444 S.E.2d 534 (SC App 1994).



a church cemetery.

As noted in the Order filed October 29, 2020, the Court declines to address those questions. First, the Court does not believe it has jurisdiction to determine ecclesiastical questions and controversies. In the Court's opinion, this includes the Court's determination of whether Plaintiff is a minister and Saluda Rest a church and church cemetery. Even were this within the Court's jurisdiction, the Court would still decline to grant any relief in this regard since the only evidence establishing that Plaintiff is a minister and that Saluda Rest is a church and church cemetery are Plaintiff's assertions of the same. In other words, other than Plaintiff's claims, there is no other evidence in the record of Plaintiff being recognized by any governmental entity or agency or any religious organization as a minister or a church.

The second issue raised in Plaintiff's Motion is to amend the language relative to a fifteen (15) foot restriction on either side of an eight (8) foot gravel path/roadway. See, Order filed 10/29/2020, page 12, paragraph 7.<sup>2</sup> To clarify the Order, the Court's intention and Order is that there currently exists a designated approximately eight (8) foot wide gravel path/roadway. Plaintiff shall not place any burial site within ten (10) feet of either side of the path/roadway. In other words, from the center point of the path/roadway, Plaintiff shall not be allowed to place any burial site or other impediment to travel within ten (10) feet of the center line. This allows continued use by Defendant of the established gravel path/roadway in a width sufficient to allow vehicular traffic in passage. As such, the October 29, 2020 Order is amended in this limited regard by reducing the fifteen (15) feet to ten (10) feet on either side of the existing gravel path/roadway. The Court declines to require Defendant to obtain and pay for a survey as requested by Plaintiff in his motion.

---

<sup>2</sup> One of the magistrate court Orders granted Ms. Glenn vehicular access to her husband's grave. See, Mag. Ct. Order signed 2/14/2020.

In addressing Defendant's motions, the Court rules as follows:

As to Defendant's Motion for a New Trial and Intervention filed October 22, 2020, the motion was filed after the trial held on October 13, 2020 and before the Court issued its Order filed October 29, 2020. Upon a review of the motion filed October 22, 2020, the Court finds that the issues raised by Defendant in said motion were sufficiently addressed in the Order filed October 29, 2020. Or, alternatively, that they are sufficiently addressed herein. As to Defendant's Request for Intervention by the South Carolina Attorney General, the Court lacks jurisdiction or authority to compel the same.

As to Defendant's Motion for Definite Statement, for Relief, to Dismiss and Recusal, the fifty-eight (58) page motion raises a multitude of issues, many not raised at trial or not addressable by this Court. Many of them appear to arise out of the multiple claims between the parties in the magistrate court and in other administrative venues. As best the Court can determine, part of what Defendant is claiming that this Court's ruling of October 29, 2020 "automatically remanded" the case to the magistrate court.

The Court finds that the Order filed October 29, 2020 sufficiently addresses all issues relative to magistrate court litigation between the parties. Further, in that the Court does not have authority or jurisdiction to "automatically remand" the case back to the magistrate court, the Court need not address that issue.

The Defendant also has requested in that motion that the judge herein be recused. The basis for this request is that Plaintiff referenced a letter in his testimony that he had sent to the judge herein after a 2005 trial that dealt with the same real estate involved herein. See, 2003-CP-23-07936. Defendant asserts that this letter "would disqualify the judge from continuing to preside over the case".

First, the Court does not have any recollection of such a letter following the lawsuit referenced by Defendant. Second, in her motion filed November 9, 2020, Defendant states that she learned of the trial in 2005 just days before the trial of this case and asserted objections to not being advised earlier by Plaintiff. However, at no time prior to or at the trial or the issuance of the Order filed October 29, 2020, did Defendant assert any request that the undersigned be recused. Third, even had said motion been made, the Court would have declined it since there has been absolutely no hint of any evidence or even an inference that somehow the 2003 lawsuit impaired the Court's ability to be fair and impartial as to the within case.

As to Defendant's Amended Motion for New Trial and Intervention, Defendant appears to argue that the Court lacked subject matter jurisdiction and issues under what Defendant refers to as the Perpetual Care Act laws and whether Plaintiff violated constitutional rights of deceased in future generations by claiming ownership of human remains. Defendant also contends that the parties were denied an opening and a closing statement at trial and that that violated her due process rights. Defendant also contends that at least one of the witnesses called by Plaintiff gave false testimony. Defendant also contends that the Court did not appropriately give credence and "full faith and credit" to certain magistrate court rulings. And, that the Court erred in failing to rule that Saluda Rest is a cemetery and, as a result, did not protect the public interests. Innumerable other issues are also raised in Defendant's motion.

As noted above, the parties have been actively litigating and pursuing issues between themselves in any number of venues over the years. The Court has endeavored, within the confines of its jurisdiction, and the pleadings filed herein, to address the substantive issues between the parties. It is clear to the Court that no matter what rulings this Court or any court would make, the parties' animosity towards each other will continue. The Order filed October

29, 2020 is a carefully reasoned Order that addresses and decides the substantive issues between the parties. The Order, a draft of which was provided by Plaintiff's attorney and a copy to Defendant, was carefully reviewed, rewritten and revised by the Court. As such, the Order filed October 29, 2020, except for the portion addressing the width of the gravel road/pathway, is affirmed and the parties' respective motions are denied.

As the Court informed the parties at the conclusion of the trial, South Carolina has outstanding appellate judges and justices and whatever Order the appellate courts ultimately issue in this litigation, since the Court is quite confident that one or both parties will appeal this Order, will be, as the Court at this level has attempted to do, well-reasoned, carefully thought through and issued in an effort, within the confines of the applicable law, to resolve the issues between the parties that may otherwise, in many respects, be unresolvable.

AND IT IS SO ORDERED.

**JUDGE'S SIGNATURE PAGE TO FOLLOW**



Greenville Common Pleas

**Case Caption:** Kenneth Curtis vs. Cynthia Glenn

**Case Number:** 2020CP2300939

**Type:** Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)

***The Dodd Law Firm, LLC***

Michael B. Dodd, Attorney  
13 Sevier Street  
Greenville, SC 29605  
864-747-5607  
michael@thedoddlawfirm.com

---

February 14, 2020

Cynthia Glenn  
579 W Circle Road  
Gray Court, SC 29645

**RE: Ken Curtis**

Ms. Glenn,

Enclosed are clocked copies of the summons and complaint in this matter, along with copies of the Plaintiff's motion to stay, and motion and proposed order for reference to the master in equity for Greenville County, as directed by the Magistrate Court at the last hearing where you were present. Should you wish to discuss this matter, please do not hesitate to contact me. With kindest regards, I am,

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Dodd", written in a cursive style.

Michael B. Dodd

|                         |   |                               |
|-------------------------|---|-------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS  |
| COUNTY OF GREENVILLE    | ) | 13TH JUDICIAL CIRCUIT         |
|                         | ) |                               |
| Kenneth Curtis,         | ) |                               |
|                         | ) |                               |
|                         | ) | CASE NO. 2020CP2300939        |
| Plaintiff,              | ) |                               |
|                         | ) |                               |
| vs.                     | ) | <b>CERTIFICATE OF SERVICE</b> |
|                         | ) |                               |
|                         | ) |                               |
| Cynthia Glenn,          | ) |                               |
|                         | ) |                               |
| Defendant.              | ) |                               |
| _____                   | ) |                               |

The undersigned hereby certifies that he has caused a copy of the Summons and Complaint, Motion for Order of Reference to the Master in Equity, and Motion to Stay, and accompanying exhibits, and Certificate of Service filed in the above-captioned case, to be served on the Defendant, via certified United States Mail.

**RECIPIANT:**

Cynthia Glenn, Defendant  
 579 W Circle Road  
 Gray Court, SC 29645

**The Dodd Law Firm, LLC**

s/Michael B. Dodd  
 S.C. Bar No. 100599  
 Attorney for the Plaintiff  
 The Dodd Law Firm, LLC  
 13 Sevier Street  
 Greenville, SC 29605  
 864-747-5607  
 michael@thedoddlawfirm.com

January 21, 2020  
 Greenville, South Carolina.

**Greenville, South Carolina**  
**February 14, 2020**



STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

) IN THE COURT OF COMMON PLEAS  
) 13TH JUDICIAL CIRCUIT  
)

Kenneth Curtis,

Plaintiff,

vs.

CASE NO.

COMPLAINT  
(NON -JURY)

Cynthia Glenn,

Defendant.

TO: THE ABOVE-NAMED DEFENDANT,

COMES NOW the Plaintiff, Kenneth Curtis, (hereinafter "Plaintiff") pursuant to a Magistrate Court Order (See attached Exhibit A) directing the Plaintiff to file a civil action in Greenville County Circuit Court to be heard before the Master in Equity for Greenville County, and does complain of the Defendant, Cynthia Glenn ("Defendant") as follows:

**FACTUAL ALLEGATIONS**

1. Upon information and belief, Plaintiff lives at and occupies real property located at 113 Edwards Rd. Marietta, SC 29661 (TMS: 0522010100304) and 177 Edwards Rd. Marietta, SC 29661 (TMS: 0522010102301), in Greenville County, South Carolina. Upon information and belief, Plaintiff is a resident and citizen of Greenville County and Defendant is a resident and citizen of Laurens County, South Carolina.
2. Upon information and belief, all of the facts, circumstances, controversies, and related events to this civil action have taken place at or are disputes surrounding the property described above. Upon information and belief, jurisdiction and venue are proper.

3. Upon information and belief, the aforementioned property is owned by the Plaintiff. Upon information and belief, Plaintiff operates a church ministry, and private natural preserve and burial ground, a not for profit religious ministry, for the benefit of Christians; and family members of those buried on the property. Plaintiff's ministry, Saluda Rest, upon information and belief, is organized and operated exclusively for religious, educational, and/or scientific or other benevolent purposes. Upon information and belief, Plaintiff has never opened the property to members of the general public.

4. Upon information and belief, Plaintiff holds church services on the property subject to this action. Plaintiff performs Christian marriage ceremonies on the property subject to this action. Plaintiff holds prayer meetings and gatherings, and various prayer walks and other activities directly associated with Saluda Rest ministries. Plaintiff additionally performs natural burials at the request of individuals and families who desire to have their family member buried on Plaintiff's property.

5. Upon information and belief, Plaintiff has never and is not currently, nor does Plaintiff intend to in the future, actively seek out bodies to be buried on the property subject to this action. Upon information and belief, although Plaintiff does maintain a Facebook Page for Saluda Rest to share the ministry and the gospel with the public, the Plaintiff does not use the Facebook page to solicit burials. Upon information and belief, the burial portion of Plaintiff's ministry comes to Plaintiff largely by word of mouth.

6. Defendant requested that her husband be buried at Saluda Rest. Defendant signed a contract and release, giving over the remains of her deceased husband to Saluda Rest and into the care of the Plaintiff. Defendant was made aware, that once buried, the remains of her husband would become the property of Saluda Rest, but that she would be given access for visitation upon

request according to Saluda Rest policies, procedures, rules and regulations, and pursuant to South Carolina law. Under the agreement with Plaintiff and Saluda Rest, Defendant agreed to be bound by the contract and Saluda Rest rules, policies, and procedures. Defendant has breached the terms of the contract with the Plaintiff, and as a result, Plaintiff has suffered damages.

7. A dispute arose over the access given to Defendant to come on to Plaintiff's property between the parties to this action.

8. The Greenville County Magistrate appropriately found that the court did not have jurisdiction to determine the applicability of the potentially relevant statutes, nor did the court have the authority to make any determination that might affect Plaintiff's real property interests. Both Plaintiff and Defendant dispute the Magistrate Court's findings of facts and conclusions of law related to Plaintiff's ministry on the property, the burial of Defendant's husband, visitation by the Defendant and others, specifically members of the public, and also Plaintiff's status as a burial ground and natural preserve.

9. Upon information and belief, South Carolina Code Section 27-43-10 et seq. is the applicable statute to these matters.

10. Plaintiff, now, upon the order of the Magistrate Court, requests that the Court of Common Pleas for Greenville County refer this matter to the Master in Equity for Greenville County pursuant to Rule 53 of the South Carolina Rules of Civil Procedure ("SCRCP") and that the court inquire as to these matters and make a new determination of facts and law regarding the rights and statuses of the Plaintiff and Defendant.

11. Plaintiff asks that this court, pursuant to the South Carolina Declaratory Judgment Act, South Carolina Code Section 15-53-10 et seq., to declare that Plaintiff owns private property and that Plaintiff operates a private ministry, church, and/or religious organization and that Defendant

must request and receive permission to enter Plaintiff's property pursuant to South Carolina Code Section 27-43-10 et seq.

12. Additionally, and upon information and belief, Defendant has used the legal process and the South Carolina Court system with purposes other than that which are legitimate and proper in the regular course of conduct of proceedings. Upon information and belief, Defendant has willfully chosen to ignore the statute and agreement with Saluda Rest giving her reasonable access to visit her deceased husband's remains, and instead has chosen to drag Plaintiff into litigation that far exceeds the legitimate purpose of gaining visitation access on Plaintiff's property, but rather, intended to harass and damage the Plaintiff.

**FOR A FIRST CAUSE OF ACTION**  
**Motion and Order of Reference**

13. All previous consistent allegations are incorporated herein.

14. Plaintiff hereby moves the court pursuant to Rule 53 SCRPC and requests that the Court of Common Pleas Issue an Order referring these matters to the Honorable Charles B. Simmons, Jr., Master-in-Equity for Greenville County, South Carolina to make findings of facts and conclusions of law in this case.

**FOR A SECOND CAUSE OF ACTION**  
**Declaratory Judgment**

15. All previous consistent allegations are incorporated herein.

16. Upon information and belief, there is an actual question of real controversy between the Plaintiff and Defendant and a dispute and controversy and question of real property interest.

17. Further, Plaintiff prays and asks this court to declare that Plaintiff owns private property and that Plaintiff operates a private ministry, church, and/or religious organization and that Defendant must request and receive permission to enter Plaintiff's property pursuant to South Carolina Code Section 27-43-10 et seq. and also that the court award costs and attorney's fees to the Plaintiff as deemed just, equitable and appropriate.

**FOR A THIRD CAUSE OF ACTION**  
**Visitation Pursuant to S.C. Code Section 27-43-10 et seq.**

18. All previous consistent allegations are incorporated herein.

19. Plaintiff alleges that the property subject to this action and the remains of the Defendant's deceased husband buried on the property are subject to S.C. Code 27-43-10 et seq.

20. Therefore, Plaintiff alleges that Defendant must both request and receive permission pursuant to the statute to visit the remains of a family member buried on the Plaintiff's property.

21. Plaintiff alleges that that there is no condition of entry, no matter how limited in time, manner, or otherwise restricted, that would allow the Defendant to enter the private property for the purposes authorized by the statute without substantially and unreasonably interfering with the use, enjoyment, or economic value of the property by the owner or an occupant of the private property.

22. Therefore, Plaintiff requests that the court issue an order denying Defendant any access whatsoever to Plaintiff's property.

**FOR A FOURTH CAUSE OF ACTION**  
**(Breach of Contract)**

23. All previous consistent allegations are incorporated herein.

24. Plaintiff and Defendant, upon information and belief, entered into a binding contract whereby Plaintiff would accept the care, custody, and ownership of the Defendant's deceased husband's remains, and in exchange Defendant would abide by the rules, regulations, policies, and procedures of Saluda Rest regarding visitation, care and conservation of the property and remains buried on the Plaintiff's private property.

25. Upon information and belief, Defendant breached the contract by not following the rules, regulations, policies, and procedures of Saluda Rest regarding visitation, care and conservation of the property and remains buried on the Plaintiff's private property, or to cause damage to the Plaintiff's property under the terms of the contract and agreement.

26. Upon information and belief, Defendant caused damage to Plaintiff's property. Defendant breached the contract with Plaintiff.

27. Upon information and belief, Plaintiff has suffered damages as a direct and proximate result of Defendant's breach of the contract.

28. Upon information and belief, Defendant is liable to Plaintiff for damages. Plaintiff seeks actual damages, and alleges that Defendant's conduct was willful and so egregious as to warrant an award of punitive damages, and therefore seeks punitive damages together with actual damages, and costs and attorney's fees.

**FOR A FIFTH CAUSE OF ACTION**  
**Abuse of Process**

29. All previous consistent allegations are incorporated herein.

30. Upon information and belief, Defendant's actions show that she has an ulterior purpose in employing the courts of South Carolina and the legal process for reasons other than for a legitimate purpose. Upon information and belief, Defendant had proper process pursuant to statute and

agreement with Saluda Rest giving her reasonable access to visit her deceased husband's remains, and instead has chosen to drag Plaintiff into litigation that far exceeds the legitimate purpose of gaining visitation access on Plaintiff's property, but instead seeks to harass and damage the Plaintiff. Upon information and belief, Defendant's actions are and have been willful.

31. Upon information and belief, Defendant is liable to the Plaintiff for the tort of abuse of process, Plaintiff has suffered damages, and therefore the Plaintiff requests that this court award Plaintiff actual and punitive damages, as appropriate, and including costs and attorney's fees as are just and equitable.

WHEREFORE, having made the claims pursuant to court order and as otherwise appropriate, the Plaintiff hereby, respectfully requests that this court issue an order:

1. that declares Plaintiff owns private property and that Plaintiff operates a private ministry, church, and/or religious organization and that Defendant must request and receive permission to enter Plaintiff's property pursuant to South Carolina Code Section 27-43-10 et seq. and also that the court award costs and attorney's fees to the Plaintiff as deemed just, equitable and appropriate; and,

2. that denies Defendant any access whatsoever to Plaintiff's property; and,

3. that finds in favor of the Plaintiff on all causes of action herein, and awards Plaintiff a judgment for damages, both actual and punitive, including costs and attorney's fees, in an amount the court deems appropriate; and,

4. for any other relief that the court deems just, equitable, and proper.

(signature page to follow)

**The Dodd Law Firm, LLC**

s/Michael B. Dodd  
S.C. Bar No. 100599  
Attorney for the Plaintiff  
The Dodd Law Firm, LLC  
13 Sevier Street  
Greenville, SC 29605  
864-747-5607  
michael@thedoddlawfirm.com

Greenville, South Carolina  
February 14, 2020



**EXHIBIT "A"**

|                           |                                                |
|---------------------------|------------------------------------------------|
| STATE OF SOUTH CAROLINA ) | <u>2019CV2311101849 &amp; 2019OR2311100028</u> |
| COUNTY OF GREENVILLE )    | CASE NUMBER                                    |
| )                         |                                                |
| Kenneth Curtis )          | IN THE SUMMARY COURT                           |
| Plaintiff, )              |                                                |
| )                         |                                                |
| VS )                      | ORDER AMENDING AND                             |
| )                         | SUPPLEMENTING THE                              |
| )                         | NOVEMBER 22, 2019 AND                          |
| Cynthia Glenn )           | DECEMBER 6, 2019 ORDERS                        |
| Defendant. )              |                                                |
| )                         |                                                |

A hearing was held on July 3, 2019. The Plaintiff was present with his attorney Michael B. Dodd. The Defendant was present pro se. An order was subsequently issued. Defendant filed a motion to amend said Order and a hearing was held on said Motion on January 2, 2020.

The Plaintiff filed a Complaint with this Court. The Plaintiff then filed an Amended Complaint with this Court on July 1, 2019. This Complaint and subsequent Amended Complaint were assigned Case Number 2019CV2311101849.

The Defendant filed a petition for a Restraining Order (Case Number 2019OR2311100028) against the Plaintiff on June 19, 2019.

These two cases are hereby consolidated for the purposes of this hearing.

I find that the Plaintiff is the owner of real property located at 113 Edwards Rd. Marietta, SC. 29661 and 177 Edwards Rd. Marietta, SC. 29661 in Greenville County.

I find that this case involved access to a cemetery located on said property as well as other civil disputes valued at less than \$7,500.00 therefore this Court has proper subject matter jurisdiction over the parties.

I find that the Defendant's husband is buried on Plaintiff's property.

I find that the Defendant is entitled to access to Plaintiff's property to visit husband's grave.

I find that a dispute exists between the Plaintiff and Defendant regarding the time and manner of Defendant's visitation of her husband's grave.

I find that the Plaintiff gave at least an implied consent to the Defendant that would allow her to visit her husband's grave.

As a result of this consent, Plaintiff's claim for Trespass and his request for a Restraining Order is hereby denied.

I find that the Defendant caused damage to the Plaintiff's property during a visit to her husband's grave. This damage occurred as a result of the Defendant driving on Plaintiff's property after a period of rain which caused Plaintiff's property to be muddy. I find no evidence that said damage was intentional, but rather it was incidental to her visit to her husband's grave; therefore, I award \$100.00 in damages to Plaintiff.

I find that the Plaintiff presented no evidence to support his claim for defamation, and no evidence was presented of any damages caused by the alleged defamation; therefore I find in favor of the Defendant on Plaintiff's claim for defamation.

I find that the Plaintiff dumped horse manure on the Defendant's husband's grave against the defendant's wishes. I further find that the Plaintiff voluntarily acknowledged to the Court that he would refrain from dumping horse manure on the Defendant's husband's grave in the future. Therefore, the Plaintiff is hereby enjoined from dumping horse manure on Defendant's husband's grave.

I find that the Plaintiff actively seeks additional bodies to be buried in his cemetery, having obtained bodies from county government as well as advertised his cemetery to the public

at large. I find that the Plaintiff has opened his property to the public for use as a cemetery. As a result, the Plaintiff owes a duty to the families of those buried in his cemetery to allow them to visit their family member's graves. Therefore, the Plaintiff shall set standard weekly visitation hours for which the Defendant may visit the graves on Plaintiff's property. Plaintiff's visitation hours shall be determined by the Plaintiff provided that the duration of the visitation should be at least six (6) consecutive hours. Visitation must begin no later than 11:00 A.M. and end no earlier than 4:00 P.M. The Defendant shall be allowed to access her husband's grave by vehicle, and the Defendant shall be allowed to take tools with her to care for and maintain the grave site.

The Plaintiff shall post his visitation schedule in a conspicuous place at the entrance to the cemetery and shall provide this court with a copy of the visitation schedule.

A dispute exists as to whether the Plaintiff's property is a cemetery. The determination of the Plaintiff's property as a cemetery is beyond the jurisdiction of this Court; therefore the Plaintiff is ordered to file an action with the Circuit Court to determine Plaintiff's status as a cemetery. If the Plaintiff fails to make such a filing with Circuit Court within 30 days of the date of this Order, the posted visitation schedule shall apply to all members of the public in addition to the Defendant.

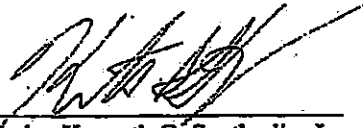
In response to Defendant's request that photographs be removed from all social media controlled by the Plaintiff, Plaintiff agreed to remove said photographs. Plaintiff shall not cause images of the Defendant or her family to be placed on any social media platform.

In regards to images of the Defendant's family placed on social media by a third-party, this Court does not have jurisdiction to order the removal of any such images.

I find that the Plaintiff's conduct does not indicate a pattern of behavior that would warrant a Restraining Order, therefore Defendant's request for a Restraining Order is hereby denied.

This Order vacates the Order entered in this case dated November 22, 2019. This Amended Order shall replace said Order and is executed to clarify an ambiguity in said prior Order.

AND IT IS SO ORDERED!

  
Judge Kenneth G. Southerlin, Jr.  
North Greenville Summary Court

January 15, 2020

|                         |   |                              |
|-------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF GREENVILLE    | ) | 13TH JUDICIAL CIRCUIT        |
|                         | ) |                              |
| Kenneth Curtis,         | ) |                              |
|                         | ) |                              |
|                         | ) | CASE NO. 2020CP2300939       |
| Plaintiff,              | ) |                              |
|                         | ) |                              |
| vs.                     | ) | MOTION TO STAY               |
|                         | ) |                              |
|                         | ) |                              |
| Cynthia Glenn,          | ) |                              |
|                         | ) |                              |
| Defendant.              | ) |                              |
| _____                   | ) |                              |

TO: THE ABOVE-NAMED DEFENDANT,

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned counsel, hereby moves this court pursuant to Rule 62 of the South Carolina Rules of Civil Procedure for an order granting a stay of the order by the Greenville County Magistrate of January 15, 2020 (see attached exhibit A) and applying to the portions of the order requiring Plaintiff to post visiting hours on his property for the benefit of the Defendant. Plaintiff requests that the Plaintiff be granted a stay allowing Plaintiff to refrain from posting any such hours and also that Plaintiff be allowed to restrict access to the Defendant until a final determination from this court is had.

Based on the foregoing and the common and statutory laws of the State of South Carolina, the pleadings filed herein, affidavits, and legal memoranda that may be hereinafter filed with the Court, Plaintiff respectfully moves this Court, and requests that this court stay any provisions in the Magistrate Court order of January 15, 2020 requiring Plaintiff to post visiting hours and/or allow Defendant on to Plaintiff's property.

**The Dodd Law Firm, LLC**

s/Michael B. Dodd  
S.C. Bar No. 100599  
Attorney for the Plaintiff  
The Dodd Law Firm, LLC  
13 Sevier Street  
Greenville, SC 29605  
864-747-5607  
michael@thedoddlawfirm.com

Greenville, South Carolina  
February 14, 2020

**EXHIBIT "A"**



**Greenville, South Carolina**  
**February 14, 2020**

1. Upon information and belief, Plaintiff lives at and occupies real property located at 113 Edwards Rd. Marietta, SC 29661 (TMS: 0522010100304) and 177 Edwards Rd. Marietta, SC 29661 (TMS: 0522010102301), in Greenville County, South Carolina. Upon information and belief, Plaintiff is a resident and citizen of Greenville County and Defendant is a resident and citizen of Laurens County, South Carolina.
2. Upon information and belief, all of the facts, circumstances, controversies, and related events to this civil action have taken place at or are disputes surrounding the property described above. Upon information and belief, jurisdiction and venue are proper.

3. Upon information and belief, the aforementioned property is owned by the Plaintiff. Upon information and belief, Plaintiff operates a church ministry, and private natural preserve and burial ground, a not for profit religious ministry, for the benefit of Christians, and family members of those buried on the property. Plaintiff's ministry, Saluda Rest, upon information and belief, is organized and operated exclusively for religious, educational, and/or scientific or other benevolent purposes. Upon information and belief, Plaintiff has never opened the property to members of the general public.

4. Upon information and belief, Plaintiff holds church services on the property subject to this action. Plaintiff performs Christian marriage ceremonies on the property subject to this action. Plaintiff holds prayer meetings and gatherings, and various prayer walks and other activities directly associated with Saluda Rest ministries. Plaintiff additionally performs natural burials at the request of individuals and families who desire to have their family member buried on Plaintiff's property.

5. Upon information and belief, Plaintiff has never and is not currently, nor does Plaintiff intend to in the future, actively seek out bodies to be buried on the property subject to this action. Upon information and belief, although Plaintiff does maintain a Facebook Page for Saluda Rest to share the ministry and the gospel with the public, the Plaintiff does not use the Facebook page to solicit burials. Upon information and belief, the burial portion of Plaintiff's ministry comes to Plaintiff largely by word of mouth.

6. Defendant requested that her husband be buried at Saluda Rest. Defendant signed a contract and release, giving over the remains of her deceased husband to Saluda Rest and into the care of the Plaintiff. Defendant was made aware, that once buried, the remains of her husband would become the property of Saluda Rest, but that she would be given access for visitation upon

request according to Saluda Rest policies, procedures, rules and regulations, and pursuant to South Carolina law. Under the agreement with Plaintiff and Saluda Rest, Defendant agreed to be bound by the contract and Saluda Rest rules, policies, and procedures. Defendant has breached the terms of the contract with the Plaintiff, and as a result, Plaintiff has suffered damages.

7. A dispute arose over the access given to Defendant to come on to Plaintiff's property between the parties to this action.

8. The Greenville County Magistrate appropriately found that the court did not have jurisdiction to determine the applicability of the potentially relevant statutes, nor did the court have the authority to make any determination that might affect Plaintiff's real property interests. Both Plaintiff and Defendant dispute the Magistrate Court's findings of facts and conclusions of law related to Plaintiff's ministry on the property, the burial of Defendant's husband, visitation by the Defendant and others, specifically members of the public, and also Plaintiff's status as a burial ground and natural preserve.

9. Upon information and belief, South Carolina Code Section 27-43-10 et seq. is the applicable statute to these matters.

10. Plaintiff, now, upon the order of the Magistrate Court, requests that the Court of Common Pleas for Greenville County refer this matter to the Master in Equity for Greenville County pursuant to Rule 53 of the South Carolina Rules of Civil Procedure ("SCRCPP") and that the court inquire as to these matters and make a new determination of facts and law regarding the rights and statuses of the Plaintiff and Defendant.

11. Plaintiff asks that this court, pursuant to the South Carolina Declaratory Judgment Act, South Carolina Code Section 15-53-10 et seq., to declare that Plaintiff owns private property and that Plaintiff operates a private ministry, church, and/or religious organization and that Defendant

must request and receive permission to enter Plaintiff's property pursuant to South Carolina Code Section 27-43-10 et seq.

12. Additionally, and upon information and belief, Defendant has used the legal process and the South Carolina Court system with purposes other than that which are legitimate and proper in the regular course of conduct of proceedings. Upon information and belief, Defendant has willfully chosen to ignore the statute and agreement with Saluda Rest giving her reasonable access to visit her deceased husband's remains, and instead has chosen to drag Plaintiff into litigation that far exceeds the legitimate purpose of gaining visitation access on Plaintiff's property, but rather, intended to harass and damage the Plaintiff.

**FOR A FIRST CAUSE OF ACTION**  
**Motion and Order of Reference**

13. All previous consistent allegations are incorporated herein.

14. Plaintiff hereby moves the court pursuant to Rule 53 SCRCP and requests that the Court of Common Pleas Issue an Order referring these matters to the Honorable Charles B. Simmons, Jr., Master-in-Equity for Greenville County, South Carolina to make findings of facts and conclusions of law in this case.

**FOR A SECOND CAUSE OF ACTION**  
**Declaratory Judgment**

15. All previous consistent allegations are incorporated herein.

16. Upon information and belief, there is an actual question of real controversy between the Plaintiff and Defendant and a dispute and controversy and question of real property interest.

17. Further, Plaintiff prays and asks this court to declare that Plaintiff owns private property and that Plaintiff operates a private ministry, church, and/or religious organization and that Defendant must request and receive permission to enter Plaintiff's property pursuant to South Carolina Code Section 27-43-10 et seq. and also that the court award costs and attorney's fees to the Plaintiff as deemed just, equitable and appropriate.

**FOR A THIRD CAUSE OF ACTION**  
**Visitation Pursuant to S.C. Code Section 27-43-10 et seq.**

18. All previous consistent allegations are incorporated herein.

19. Plaintiff alleges that the property subject to this action and the remains of the Defendant's deceased husband buried on the property are subject to S.C. Code 27-43-10 et seq.

20. Therefore, Plaintiff alleges that Defendant must both request and receive permission pursuant to the statute to visit the remains of a family member buried on the Plaintiff's property.

21. Plaintiff alleges that that there is no condition of entry, no matter how limited in time, manner, or otherwise restricted, that would allow the Defendant to enter the private property for the purposes authorized by the statute without substantially and unreasonably interfering with the use, enjoyment, or economic value of the property by the owner or an occupant of the private property.

22. Therefore, Plaintiff requests that the court issue an order denying Defendant any access whatsoever to Plaintiff's property.

**FOR A FOURTH CAUSE OF ACTION**  
**(Breach of Contract)**

23. All previous consistent allegations are incorporated herein.

24. Plaintiff and Defendant, upon information and belief, entered into a binding contract whereby Plaintiff would accept the care, custody, and ownership of the Defendant's deceased husband's remains, and in exchange Defendant would abide by the rules, regulations, policies, and procedures of Saluda Rest regarding visitation, care and conservation of the property and remains buried on the Plaintiff's private property.

25. Upon information and belief, Defendant breached the contract by not following the rules, regulations, policies, and procedures of Saluda Rest regarding visitation, care and conservation of the property and remains buried on the Plaintiff's private property, or to cause damage to the Plaintiff's property under the terms of the contract and agreement.

26. Upon information and belief, Defendant caused damage to Plaintiff's property. Defendant breached the contract with Plaintiff.

27. Upon information and belief, Plaintiff has suffered damages as a direct and proximate result of Defendant's breach of the contract.

28. Upon information and belief, Defendant is liable to Plaintiff for damages. Plaintiff seeks actual damages, and alleges that Defendant's conduct was willful and so egregious as to warrant an award of punitive damages, and therefore seeks punitive damages together with actual damages, and costs and attorney's fees.

**FOR A FIFTH CAUSE OF ACTION**  
**Abuse of Process**

29. All previous consistent allegations are incorporated herein.

30. Upon information and belief, Defendant's actions show that she has an ulterior purpose in employing the courts of South Carolina and the legal process for reasons other than for a legitimate purpose. Upon information and belief, Defendant had proper process pursuant to statute and

agreement with Saluda Rest giving her reasonable access to visit her deceased husband's remains, and instead has chosen to drag Plaintiff into litigation that far exceeds the legitimate purpose of gaining visitation access on Plaintiff's property, but instead seeks to harass and damage the Plaintiff. Upon information and belief, Defendant's actions are and have been willful.

31. Upon information and belief, Defendant is liable to the Plaintiff for the tort of abuse of process, Plaintiff has suffered damages, and therefore the Plaintiff requests that this court award Plaintiff actual and punitive damages, as appropriate, and including costs and attorney's fees as are just and equitable.

WHEREFORE, having made the claims pursuant to court order and as otherwise appropriate, the Plaintiff hereby, respectfully requests that this court issue an order:

1. that declares Plaintiff owns private property and that Plaintiff operates a private ministry, church, and/or religious organization and that Defendant must request and receive permission to enter Plaintiff's property pursuant to South Carolina Code Section 27-43-10 et seq. and also that the court award costs and attorney's fees to the Plaintiff as deemed just, equitable and appropriate; and,
2. that denies Defendant any access whatsoever to Plaintiff's property; and,
3. that finds in favor of the Plaintiff on all causes of action herein, and awards Plaintiff a judgment for damages, both actual and punitive, including costs and attorney's fees, in an amount the court deems appropriate; and,
4. for any other relief that the court deems just, equitable, and proper.

(signature page to follow)



**The Dodd Law Firm, LLC**

s/Michael B. Dodd  
S.C. Bar No. 100599  
Attorney for the Plaintiff  
The Dodd Law Firm, LLC  
13 Sevier Street  
Greenville, SC 29605  
864-747-5607  
michael@thedoddlawfirm.com

Greenville, South Carolina  
February 14, 2020

**EXHIBIT "A"**

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

2019CV2311101849 & 2019OR2311100028  
CASE NUMBER

Kenneth Curtis )  
Plaintiff, )

IN THE SUMMARY COURT

VS )

ORDER AMENDING AND  
SUPPLEMENTING THE  
NOVEMBER 22, 2019 AND  
DECEMBER 6, 2019 ORDERS

Yynthia Glenn )  
Defendant. )

A hearing was held on July 3, 2019. The Plaintiff was present with his attorney Michael B. Dodd. The Defendant was present pro se. An order was subsequently issued. Defendant filed a motion to amend said Order and a hearing was held on said Motion on January 2, 2020.

The Plaintiff filed a Complaint with this Court. The Plaintiff then filed an Amended Complaint with this Court on July 1, 2019. This Complaint and subsequent Amended Complaint were assigned Case Number 2019CV2311101849.

The Defendant filed a petition for a Restraining Order (Case Number 2019OR2311100028) against the Plaintiff on June 19, 2019.

These two cases are hereby consolidated for the purposes of this hearing.

I find that the Plaintiff is the owner of real property located at 113 Edwards Rd. Marietta, SC. 29661 and 177 Edwards Rd. Marietta, SC. 29661 in Greenville County.

I find that this case involved access to a cemetery located on said property as well as other civil disputes valued at less than \$7,500.00 therefore this Court has proper subject matter jurisdiction over the parties.

I find that the Defendant's husband is buried on Plaintiff's property.

I find that the Defendant is entitled to access to Plaintiff's property to visit husband's grave.

I find that a dispute exists between the Plaintiff and Defendant regarding the time and manner of Defendant's visitation of her husband's grave.

I find that the Plaintiff gave at least an implied consent to the Defendant that would allow her to visit her husband's grave.

As a result of this consent, Plaintiff's claim for Trespass and his request for a Restraining Order is hereby denied.

I find that the Defendant caused damage to the Plaintiff's property during a visit to her husband's grave. This damage occurred as a result of the Defendant driving on Plaintiff's property after a period of rain which caused Plaintiff's property to be muddy. I find no evidence that said damage was intentional, but rather it was incidental to her visit to her husband's grave; therefore, I award \$100.00 in damages to Plaintiff.

I find that the Plaintiff presented no evidence to support his claim for defamation, and no evidence was presented of any damages caused by the alleged defamation; therefore I find in favor of the Defendant on Plaintiff's claim for defamation.

I find that the Plaintiff dumped horse manure on the Defendant's husband's grave against the defendant's wishes. I further find that the Plaintiff voluntarily acknowledged to the Court that he would refrain from dumping horse manure on the Defendant's husband's grave in the future. Therefore, the Plaintiff is hereby enjoined from dumping horse manure on Defendant's husband's grave.

I find that the Plaintiff actively seeks additional bodies to be buried in his cemetery, having obtained bodies from county government as well as advertised his cemetery to the public

|                         |   |                              |
|-------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF GREENVILLE    | ) | 13TH JUDICIAL CIRCUIT        |
|                         | ) |                              |
| Kenneth Curtis,         | ) |                              |
|                         | ) |                              |
|                         | ) | CASE NO.                     |
| Plaintiff,              | ) |                              |
|                         | ) |                              |
| vs.                     | ) | <b>ORDER OF REFERENCE</b>    |
|                         | ) |                              |
|                         | ) |                              |
| Cynthia Glenn,          | ) |                              |
|                         | ) |                              |
| Defendant.              | ) |                              |
| _____                   | ) |                              |

**IT APPEARING** that, the Plaintiff, pursuant to Rule 53(b) of the South Carolina Rules of Civil Procedure has made a motion, and that Plaintiff made said motion at the direction of the Greenville County Magistrate Court, and

**IT FURTHER APPEARING** that referral of this case and all causes of action therein to the Master in Equity is proper,

**NOW, THEREFORE**, pursuant to Rule 53 of the South Carolina Rules of Civil Procedure, and upon motion by the Plaintiff,

**IT IS HEREBY ORDERED** that the above-entitled action be, and the same hereby is, referred to the Honorable Charles B. Simmons, Jr., Master-in-Equity for Greenville County, South Carolina to: take testimony, make determinations of facts and conclusions of law, and to direct entry of final judgment in this action under Rule 53(b), SCRCP, and all matters arising from or reasonably related to such action. The Master-in-Equity shall retain jurisdiction to perform all necessary acts incident to this action, including, but not limited to, issuance of a writ

at large. I find that the Plaintiff has opened his property to the public for use as a cemetery. As a result, the Plaintiff owes a duty to the families of those buried in his cemetery to allow them to visit their family member's graves. Therefore, the Plaintiff shall set standard weekly visitation hours for which the Defendant may visit the graves on Plaintiff's property. Plaintiff's visitation hours shall be determined by the Plaintiff provided that the duration of the visitation should be at least six (6) consecutive hours. Visitation must begin no later than 11:00 A.M. and end no earlier than 4:00 P.M. The Defendant shall be allowed to access her husband's grave by vehicle, and the Defendant shall be allowed to take tools with her to care for and maintain the grave site.

The Plaintiff shall post his visitation schedule in a conspicuous place at the entrance to the cemetery and shall provide this court with a copy of the visitation schedule.

A dispute exists as to whether the Plaintiff's property is a cemetery. The determination of the Plaintiff's property as a cemetery is beyond the jurisdiction of this Court; therefore the Plaintiff is ordered to file an action with the Circuit Court to determine Plaintiff's status as a cemetery. If the Plaintiff fails to make such a filing with Circuit Court within 30 days of the date of this Order, the posted visitation schedule shall apply to all members of the public in addition to the Defendant.

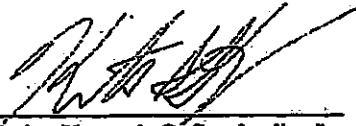
In response to Defendant's request that photographs be removed from all social media controlled by the Plaintiff, Plaintiff agreed to remove said photographs. Plaintiff shall not cause images of the Defendant or her family to be placed on any social media platform.

In regards to images of the Defendant's family placed on social media by a third-party, this Court does not have jurisdiction to order the removal of any such images.

I find that the Plaintiff's conduct does not indicate a pattern of behavior that would warrant a Restraining Order, therefore Defendant's request for a Restraining Order is hereby denied.

This Order vacates the Order entered in this case dated November 22, 2019. This Amended Order shall replace said Order and is executed to clarify an ambiguity in said prior Order.

AND IT IS SO ORDERED!

  
Judge Kenneth G. Southerlin, Jr.  
North Greenville Summary Court

January 15, 2020

|                         |   |                                      |
|-------------------------|---|--------------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS         |
| COUNTY OF GREENVILLE    | ) | 13TH JUDICIAL CIRCUIT                |
|                         | ) |                                      |
| Kenneth Curtis,         | ) |                                      |
|                         | ) |                                      |
|                         | ) | CASE NO. 2020CP2300939               |
| Plaintiff,              | ) |                                      |
|                         | ) |                                      |
| vs.                     | ) | <b>MOTION FOR ORDER OF REFERENCE</b> |
|                         | ) |                                      |
|                         | ) |                                      |
| Cynthia Glenn,          | ) |                                      |
|                         | ) |                                      |
| Defendant.              | ) |                                      |
| _____                   | ) |                                      |

TO: THE ABOVE-NAMED DEFENDANT,

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned counsel, hereby moves this court pursuant to an order issued by the Greenville County Magistrate and Rule 53(b) of the South Carolina Rules of Civil Procedure, for the above captioned action to be referred to the Master in Equity for Greenville County, South Carolina. The Magistrate Court directed the Plaintiff specifically to file this action in circuit court and have it referred to the Greenville County Master in Equity.

Based on the foregoing and the common and statutory laws of the State of South Carolina, the pleadings filed herein, affidavits, and legal memoranda that may be hereinafter filed with the Court, Plaintiff respectfully moves this Court, and requests that an Order be issued referring this case and all causes of action therein pending before the court to the Honorable Charles B. Simmons, Jr., Master-in-Equity for Greenville County, South Carolina to make findings of fact and conclusions of law; to direct entry of final judgment in this action, and issue an order or judgment as is appropriate in this case,



**The Dodd Law Firm, LLC**

s/Michael B. Dodd  
S.C. Bar No. 100599  
Attorney for the Plaintiff  
The Dodd Law Firm, LLC  
13 Sevier Street  
Greenville, SC 29605  
864-747-5607  
michael@thedoddlawfirm.com

Greenville, South Carolina  
February 14, 2020

of assistance; issuance of a rule to show cause; and the hearing of any other issues related to this case as appropriate.

Further, the Master-in-Equity shall retain jurisdiction to hear any action contesting the validity of this action or any motions pursuant to South Carolina Rules of Civil Procedure including, but not limited to, Rule 60(b). Any appeal from the final judgment entered by the Master-in-Equity shall be directly to the South Carolina Court of Appeals, pursuant to Rule 203(d)(1), SCACR, effective June 1, 1999.

**AND IT IS SO ORDERED.**

I so move:

**The Dodd Law Firm, LLC**

s/Michael B. Dodd  
S.C. Bar No. 100599  
Attorney for the Plaintiff  
The Dodd Law Firm, LLC  
13 Sevier Street  
Greenville, SC 29605  
864-747-5607  
michael@thedoddlawfirm.com

Greenville, South Carolina  
February 14, 2020

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL®**



7019 1120 0001 8672 8931



1000



29645

U.S. POSTAGE PAID  
FROM LO ENV  
GREENVILLE, SC  
29605  
FEB 14, 20  
AMOUNT

**\$8.60**

R2304E106498-56

*The Dodd Law Firm, LLC*  
13 Sevier Street  
Greenville, SC 29605

Cynthia Glenn  
579 W Circle Road  
Gray Court, SC 29645

2-15-14  
2-15-14  
2-15-14

picked up 2/19

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

KENNETH CURTIS,

Plaintiff,

vs.

CYNTHIA GLENN,

Defendant

IN THE COURT OF COMMON PLEAS

Case No.: 2020CP2300939

**MOTION TO DISMISS COMPLAINT IN PART**

A majority of Plaintiff's complaint, causes of action and request for relief have previously been tried and issued final judgments. They are no longer subject to appeal. Retrying of these matters would be a relitigation of rulings already on the record.

The Honorable Judge Kenneth G. Southerlin, Jr. of North Greenville Summary Court ordered:

***"I find that the Plaintiff has opened his property to the public for use as a cemetery. As a result, the Plaintiff owes a duty to the families of those buried in his cemetery to allow them to visit their family member's graves. Therefore, the Plaintiff shall set standard weekly visitation hours for which the Defendant may visit the graves on Plaintiffs property..."***

***A dispute exists as to whether the Plaintiffs property is a cemetery. The determination of the Plaintiffs property as a cemetery is beyond the jurisdiction of this Court; therefore the Plaintiff is ordered to file an action with the Circuit Court to determine Plaintiff's status as a cemetery. If the Plaintiff fails to make such a filing with Circuit Court within 30 days of the date of this Order, the posted visitation schedule shall apply to all members of the public in addition to the Defendant."***

According to SCRCR Rule 53, the only matter before this court is if the property located at 177 Edwards Rd should be deemed a cemetery and/or open to public access. Res judicata would bar relitigation of at least the following Causes of Action: 16 in part; 17, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, 31 in their entirety.

WHEREFORE, Defendant respectfully requests that this court issue orders barring the consideration of relitigation of the above named Causes of Action.

---

Cynthia Glenn, Pro Se Defendant  
579 W Circle Rd  
Gray Court, SC 29645  
864.350.2830

I REQUEST A 30 MINUTE HEARING

|                         |   |                              |
|-------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF GREENVILLE    | ) |                              |
| Kenneth Curtis          | ) | CASE NO. - CP - -            |
| _____                   | ) |                              |
| PLAINTIFF               | ) |                              |
| VS.                     | ) | <b>SUMMONS</b>               |
| Cynthia Glenn           | ) |                              |
| _____                   | ) |                              |
| DEFENDANT.              | ) |                              |

TO THE PARTIES ABOVE NAMED OR THEIR ATTORNEYS: Please take notice that a hearing in the above matter at \_\_\_\_\_ at \_\_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Time Allotted: \_\_\_\_\_

You are hereby notified to bring and produce at such hearings all records which may pertain to the motion.

DATE: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

The Honorable Charles B. Simmons, Jr.  
Greenville Cty Courthouse  
305 E North St Ste 313  
Greenville, SC 29601-2100  
OFFICE: (864) 467-8556  
FAX: (864) 467-8401

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

KENNETH CURTIS,

Plaintiff,

vs.

CYNTHIA GLENN,

Defendant

IN THE COURT OF COMMON PLEAS

Case No.: 2019OR2311100028 & 2019CV2311101849

**CERTIFICATE OF SERVICE**

I attest to sending **MOTION To DISMISS** via USPS postage paid to plaintiff's attorney at The  
Dodd Law Firm 13 Sevier Street  
Greenville, SC 29605, Greenville, SC 29605 on \_\_\_\_\_.

\_\_\_\_\_  
Cynthia Glenn, Pro Se Defendant  
864-350-2830  
sandy@carolinawaterbirth.com

Dated this day \_\_\_\_\_ of \_\_\_\_\_, 2020

|                         |   |                              |
|-------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
|                         | ) | 13th JUDICIAL CIRCUIT        |
| COUNTY OF GREENVILLE    | ) |                              |
|                         | ) | C.A. NO.: 2020-CP-23-00939   |
| Kenneth Curtis,         | ) |                              |
|                         | ) |                              |
| Plaintiff,              | ) |                              |
|                         | ) | PLAINTIFF'S MEMORANDUM IN    |
| vs.                     | ) | OPPOSITION TO DEFENDANT'S    |
|                         | ) | MOTION TO DISMISS IN PART    |
| Cynthia Glenn,          | ) |                              |
|                         | ) |                              |
| Defendant(s).           | ) |                              |

The Plaintiff, Kenneth Curtis ("Plaintiff") by and through his undersigned counsel, hereby files this Memorandum in opposition of Defendant's Motion to Dismiss.

#### **BACKGROUND**

There is now a long, protracted history between the parties to this case which arose out of the Defendant's request to have her deceased husband, Mark Guion, buried at the 113 and 177 Edwards Rd. property owned by the Plaintiff, and burial overseen by the Plaintiff in his ministerial capacity as owner of Saluda Rest Natural Burials and Ministries. On January 15, 2020 the Honorable Judge Kenneth G. Southerlin, Jr. signed and entered an "Order Amending and Supplementing the November 22, 2019 and December 6, 2019 Orders" ("Order") in this case. That Order has previously been filed with this court and is attached to the Defendant's motion as Exhibit A, and for the sake of consistency, is attached hereto as Exhibit A, and incorporated herein.

Since the time of that Order, the Plaintiff has made reasonable efforts to comply with the Order, and despite some glaring inconsistencies in that order, Plaintiff has made a good faith effort to comply with the Order, including filing an action with this court as directed in paragraph 17 on page 3 of the Order. Plaintiff deliberately chose not to appeal the Order because the Plaintiff



desired a conclusive determination by this court as to the status of his private property and a determination of the rights and statuses between the parties to this action.

Paragraph 17 on page 3 of the Order states:

"A dispute exists as to whether the Plaintiff's property is a cemetery. The determination of the Plaintiff's property as a cemetery is beyond the jurisdiction of this Court; therefore the Plaintiff is ordered to file an action with the Circuit Court to determine Plaintiff's status as a cemetery."

The Order in paragraph 15 on pages 2 and 3, also directs Plaintiff to "set standard weekly visitation hours for which the Defendant may visit the graves on Plaintiff's property...visitation hours shall be determined by the Plaintiff provided that the duration of the visitation should be at least six (6) consecutive hours."

Plaintiff has complied with these provisions of the Order. Nowhere in the Order does it prohibit Plaintiff from bringing additional causes of action. Defendant has behaved in a manner since the date of the Order that, upon information and belief, is for no purpose other than to harass the Plaintiff. Defendant has involved law enforcement and the Summary Court in an attempt to further cause harm to the Plaintiff instead of peacefully entering Plaintiff's property on designated days to visit her deceased husband's burial place.

Defendant's motion to dismiss is based on the doctrine of res judicata and asks the court to dismiss all of the causes of action brought forth by the Plaintiff except for the prayer for relief under the Declaratory Judgment cause of action because, according to the Defendant, the matters have already been litigated.

As a result of the interactions between the Plaintiff and the Defendant since the time of issuance of the Order, the circumstances have changed between the parties, which give rise to a

new cause of action and petition pursuant to S.C. Code 27-43-10 et seq. which is why Plaintiff brought that cause of action in his complaint along with the other causes of action for breach of contract and abuse of process, both of which are new and unique issues and do not originate out of the prior dispute between the parties.

### **LEGAL ARGUMENT**

Res judicata bars subsequent actions by the same parties when the claims arise out of the same transaction or occurrence that was the subject of a prior action between those parties. *Sub-Zero Freezer Co. v. R.J. Clarkson Co.*, 308 S.C. 188, 417 S.E.2d 569 (1992). Under the doctrine of res judicata, "[a] litigant is barred from raising any issues which were adjudicated in the former suit and any issues which might have been raised in the former suit." *Hilton Head Center of South Carolina, Inc. v. Public Service Comm'n of South Carolina*, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987). To establish res judicata, the defendant must prove the following three elements: (1) identity of the parties; (2) identity of the subject matter; and (3) adjudication of the issue in the former suit. *Riedman Corp. v. Greenville Steel Structures, Inc.*, 308 S.C. 467, 419 S.E.2d 217 (1992); *Sealy v. Dodge*, 289 S.C. 543, 347 S.E.2d 504 (1986). *Plum Creek Development v. City of Conway*, 334 S.C. 30, 512 S.E.2d 106 (S.C. 1999).

In this case, there is no question as to the identity of the parties nor the identity of the subject matter as the Plaintiff and Defendant are both intimately familiar with their interactions and the matters related to this action. As to the third element, although there was adjudication of the issue of visitation in the North Greenville Summary Court case, as shown in the Order, there have been new interactions between the parties, and a change of circumstance based on the actions of the Defendant, as stated in paragraph 12 of the Complaint, whereby Defendant has willingly chosen to pursue further litigation instead of agreeing to reasonable visitation. Defendant's actions

show that her motivations go far beyond seeking reasonable access to the Plaintiff's property to visit her deceased husband's remains. The Defendant has previously stated, "I swear to God I will destroy him," in reference to the Plaintiff, and it appears that her unwillingness to work with the Plaintiff to resolve this dispute and continued unnecessary involvement of law enforcement numerous times when she visits Plaintiff's property and use of the court system are an effort to further cause the Plaintiff harm.

In the Order from the North Greenville Summary Court, there is no law or other legal basis for the Magistrate's decision stated. It is unclear from that Order what statute or other legal precedent is relied upon by the court in making its determination. Now, the Plaintiff brings a cause of action based on events that have transpired since the time of the trial of this case in 2019 through the present, and relate to the interactions between the parties since the time after the Order. The South Carolina statute Plaintiff requests this court to look at this case under is S.C. Code Section 27-43-310 et seq. entitled Access to Cemeteries on Private Property. The statute gives a property owner a right to petition the court for a determination regarding ingress and egress for a person authorized under the statute. The statute does not prohibit a landowner from making a subsequent appeal to the court after a decision by the court relating to entry onto private land by an authorized person. It logically follows that should there be a change in circumstances between the private landowner and the person seeking access, or should facts arise that make a prior order regarding visitation no longer equitable, that a new cause of action could be brought and heard by a court having proper jurisdiction. That is exactly what we have here.

And while the statute authorizes a party to petition the magistrate, South Carolina Code Section 22-3-10 et seq. give magistrate courts concurrent civil jurisdiction, meaning the circuit court can also hear any case unless the South Carolina Constitution or statute reserves explicit

jurisdiction to the magistrate court, which is not the case here. Additionally, magistrate courts are limited in their jurisdiction for civil suits up to \$7,500.00 and in this case the Plaintiff seeks in excess of that amount in damages based on the actions of the Defendant. Jurisdiction is proper for the Circuit Court. Additionally, the claims brought by the Plaintiff ultimately sound in equity and the relief sought is based in equity. Therefore, this case is proper before the Master in Equity.

Should the court be inclined to grant the Defendant's motion based on the pleadings and the doctrine of res judicata, then the Plaintiff would pray, and ask the court to grant it leave to amend his complaint pursuant to Rule 15 of the South Carolina Rules of Civil Procedure so that the Plaintiff can make a more definite statement of the new facts giving rise to his causes of actions in this case. Rule 15(a) provides that when a party asks to amend his pleading, "leave shall freely be given when justice so requires and does not prejudice any other party." Rule 15 (a) SCRPC. "This rule strongly favors amendments and the court is encouraged to freely grant leave to amend." Patton v. Miller, 420 S.C. 471, 489, 804 S.E.2d 252, 261 (2017).

#### CONCLUSION

The Plaintiff, for the forgoing reasons, requests that the Defendant's motion to dismiss in part be denied, or in the alternative, that the Plaintiff be given leave pursuant to Rule 15 of the South Carolina Rules of Civil Procedure to amend his complaint as necessary.

Respectfully submitted,

**THE DODD LAW FIRM, LLC**

By: sl Michael B. Dodd  
Michael B. Dodd (S.C. Bar No. 100599)  
13 Sevier Street  
Greenville, SC 29605  
Telephone: (864) 747-5607  
Facsimile: (864) 243-8255  
Email: [michael@thedoddlawfirm.com](mailto:michael@thedoddlawfirm.com)

June 30, 2020  
Greenville, SC

ATTORNEY FOR THE PLAINTIFF, KENNETH CURTIS

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

2019CV2311101849 & 2019OR2311100028  
CASE NUMBER

Kenneth Curtis )  
Plaintiff, )

IN THE SUMMARY COURT

VS )

ORDER AMENDING AND  
SUPPLEMENTING THE  
NOVEMBER 22, 2019 AND  
DECEMBER 6, 2019 ORDERS

Cynthia Glenn )  
Defendant. )

1. A hearing was held on July 3, 2019. The Plaintiff was present with his attorney Michael B. Dodd. The Defendant was present pro se. An order was subsequently issued. Defendant filed a motion to amend said Order and a hearing was held on said Motion on January 2, 2020.
2. The Plaintiff filed a Complaint with this Court. The Plaintiff then filed an Amended Complaint with this Court on July 1, 2019. This Complaint and subsequent Amended Complaint were assigned Case Number 2019CV2311101849.
3. The Defendant filed a petition for a Restraining Order (Case Number 2019OR2311100028) against the Plaintiff on June 19, 2019.
4. These two cases are hereby consolidated for the purposes of this hearing.
5. I find that the Plaintiff is the owner of real property located at 113 Edwards Rd. Marietta, SC. 29661 and 177 Edwards Rd. Marietta, SC. 29661 in Greenville County.
6. I find that this case involved access to a cemetery located on said property as well as other civil disputes valued at less than \$7,500.00 therefore this Court has proper subject matter jurisdiction over the parties.
7. I find that the Defendant's husband is buried on Plaintiff's property.

8. I find that the Defendant is entitled to access to Plaintiff's property to visit husband's grave.

9. I find that a dispute exists between the Plaintiff and Defendant regarding the time and manner of Defendant's visitation of her husband's grave.

10. I find that the Plaintiff gave at least an implied consent to the Defendant that would allow her to visit her husband's grave.

11. As a result of this consent, Plaintiff's claim for Trespass and his request for a Restraining Order is hereby denied.

12. I find that the Defendant caused damage to the Plaintiff's property during a visit to her husband's grave. This damage occurred as a result of the Defendant driving on Plaintiff's property after a period of rain which caused Plaintiff's property to be muddy. I find no evidence that said damage was intentional, but rather it was incidental to her visit to her husband's grave; therefore, I award \$100.00 in damages to Plaintiff.

13. I find that the Plaintiff presented no evidence to support his claim for defamation, and no evidence was presented of any damages caused by the alleged defamation; therefore I find in favor of the Defendant on Plaintiff's claim for defamation.

14. I find that the Plaintiff dumped horse manure on the Defendant's husband's grave against the defendant's wishes. I further find that the Plaintiff voluntarily acknowledged to the Court that he would refrain from dumping horse manure on the Defendant's husband's grave in the future. Therefore, the Plaintiff is hereby enjoined from dumping horse manure on Defendant's husband's grave.

15. I find that the Plaintiff actively seeks additional bodies to be buried in his cemetery, having obtained bodies from county government as well as advertised his cemetery to the public

at large. I find that the Plaintiff has opened his property to the public for use as a cemetery. As a result, the Plaintiff owes a duty to the families of those buried in his cemetery to allow them to visit their family member's graves. Therefore, the Plaintiff shall set standard weekly visitation hours for which the Defendant may visit the graves on Plaintiff's property. Plaintiff's visitation hours shall be determined by the Plaintiff provided that the duration of the visitation should be at least six (6) consecutive hours. Visitation must begin no later than 11:00 A.M. and end no earlier than 4:00 P.M. The Defendant shall be allowed to access her husband's grave by vehicle, and the Defendant shall be allowed to take tools with her to care for and maintain the grave site.

16. The Plaintiff shall post his visitation schedule in a conspicuous place at the entrance to the cemetery and shall provide this court with a copy of the visitation schedule.

17. A dispute exists as to whether the Plaintiff's property is a cemetery. The determination of the Plaintiff's property as a cemetery is beyond the jurisdiction of this Court; therefore the Plaintiff is ordered to file an action with the Circuit Court to determine Plaintiff's status as a cemetery. If the Plaintiff fails to make such a filing with Circuit Court within 30 days of the date of this Order, the posted visitation schedule shall apply to all members of the public in addition to the Defendant.

18. In response to Defendant's request that photographs be removed from all social media controlled by the Plaintiff, Plaintiff agreed to remove said photographs. Plaintiff shall not cause images of the Defendant or her family to be placed on any social media platform.

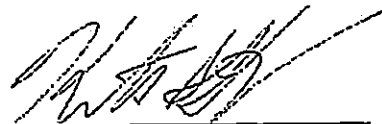
19. In regards to images of the Defendant's family placed on social media by a third-party, this Court does not have jurisdiction to order the removal of any such images.



20. I find that the Plaintiff's conduct does not indicate a pattern of behavior that would warrant a Restraining Order, therefore Defendant's request for a Restraining Order is hereby denied.

21. This Order vacates the Order entered in this case dated November 22, 2019. This Amended Order shall replace said Order and is executed to clarify an ambiguity in said prior Order.

AND IT IS SO ORDERED!

  
\_\_\_\_\_  
Judge Kenneth G. Southerlin, Jr.  
North Greenville Summary Court

January 15, 2020

STATE OF SOUTH CAROLINA

)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

)

13TH JUDICIAL CIRCUIT

Kenneth Curtis,

)

)

)

CASE NO. 2020CP2300939

Plaintiff,

)

)

vs.

)

CERTIFICATE OF SERVICE

)

)

)

Cynthia Glenn,

)

)

Defendant.

)

)

The undersigned hereby certifies that he has caused a copy of the Plaintiff's Memo in Opposition, and accompanying exhibits, and Certificate of Service filed in the above-captioned case, to be served on the Defendant, via United States Mail.

## RECIPIANT:

Cynthia Glenn, Defendant

579 W Circle Road  
Gray Court, SC 29645

The Dodd Law Firm, LLC

s/Michael B. Dodd

S.C. Bar No. 100599

Attorney for the Plaintiff

The Dodd Law Firm, LLC

13 Sevier Street

Greenville, SC 29605

864-747-5607

michael@thedoddlawfirm.com

June 30, 2020

Greenville, South Carolina.

|                         |   |                                |
|-------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS   |
|                         | ) | 13th JUDICIAL CIRCUIT          |
| COUNTY OF GREENVILLE    | ) |                                |
|                         | ) | C.A. NO.: 2020-CP-23-00939     |
| Kenneth Curtis,         | ) |                                |
|                         | ) |                                |
| Plaintiff,              | ) | NOTICE OF MOTION AND MOTION TO |
|                         | ) | ALTER OR AMEND                 |
| vs.                     | ) |                                |
|                         | ) |                                |
| Cynthia Glenn,          | ) |                                |
|                         | ) |                                |
| Defendant(s).           | ) |                                |
| _____                   | ) |                                |

TO: THE ABOVE-NAMED DEFENDANT,

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned counsel, respectfully moves this Court to alter or amend its Order dated October 29, 2020 ("Order") in the above referenced matter, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure ("SCRCP") to (1) clarify and specify that Saluda Rest Natural Burials and Ministries ("Saluda Rest") is a church and church cemetery, and that Plaintiff and Saluda Rest are one and the same, in that Plaintiff is the sole owner minister/operator of the church, and (2) clarify and or amend the language in paragraph numbered 7 on page 12 regarding the boundaries of the path ordered for Defendant's ingress and egress to visit her husband's burial site to remove the fifteen (15) foot restriction on either side of the eight (8) foot path as described by the court, and order that the eight (8) foot path be surveyed at the cost of the Defendant.

"The purpose of Rule 59(e), SCRCP, to alter or amend the judgment is to request the trial judge to reconsider matters properly encompassed in a decision on the merits" *Arnold v. State*, 309 S.C. 157, 172 420 S.E.2d 834, 842 (1992). Here specifically, Plaintiff would ask that the court amend the Order to reflect what Plaintiff argues was clearly presented at trial through evidence

and testimony, that Plaintiff and his ministry and Saluda Rest are a church and church cemetery and church property and that he is the minister owner/operator and they are one and the same. This determination is the chief reason Plaintiff brought this action. South Carolina case law "has recognized that civil courts 'do have jurisdiction as to civil, contract[,] and property rights which are involved in a church controversy,' even though they have no jurisdiction of 'ecclesiastical questions and controversies.'" *Pearson v. Church of God*, 325 S.C. 45, 51, 478 S.E.2d 849, 852 (1996) (quoting *Bramlett v. Young*, 229 S.C. 519, 537-38, 93 S.E.2d 873, 882 (1956)). *Jenkins v. Refuge Temple Church of God in Christ, Inc.*, 424 S.C. 320, 818 S.E.2d 13 (S.C. App. 2018). Additionally, South Carolina courts have long held that "equitable jurisdiction lies only in civil cases. *Ezell v. Ritholz*, 188 S.C. 39, 198 S.E. 419, 422 (1938). And while expansive, a court of equity generally will not determine questions of religion or faith..." 27A Am. Jur. 2d Equity §37. However, in this case, Plaintiff is not at all asking for a determination of faith or an "ecclesiastical" determination, Plaintiff is simply and properly asking the court to recognize what was clearly established at trial, that he is a church. Plaintiff believes this court can and should declare Plaintiff and Saluda Rest and properties to be a church and church cemetery and church property as proven by the evidence at trial and that Plaintiff is the sole owner minister/operator and they are one and the same.

Additionally, Plaintiff asks the court to amend its Order and the language in paragraph numbered 7 on page 12 regarding the boundaries of the path ordered for Defendant's ingress and egress to visit her husband's burial site to remove the fifteen (15) foot restriction on either side of the eight (8) foot path as described by the court, and order that the eight (8) foot path be marked with input from the Plaintiff and surveyed at the cost of the Defendant. Requiring Plaintiff to leave fifteen (15) on either side of the path, which is currently unmarked, and not clearly identified,

would be inequitable as it would essentially give the Defendant access to a thirty-eight-foot area through about half of Plaintiff's property and create an unnecessary burden on Plaintiff. Additionally, the fifteen (15) foot requirement on either side of the eight (8) foot path interferes with the Plaintiff's ability to perform essential functions of his church and ministry as currently practiced and would violate Plaintiff's rights under the First Amendment to the Constitution of the United States of America. Plaintiff asks the court to amend the Order giving Defendant only an eight (8) foot wide path to her husband's burial site and room for an average vehicle to turn around, as this would be more than adequate to allow for ingress and egress and fully protect Defendant's interests.

This court may "grant relief, either legal or equitable, to which any of the parties show themselves entitled, in the subject matter of the controversy." *Bramlett v. Young*, 229 S.C. 519, 535, 93 S.E.2d 873, 881 (1956). Plaintiff believes the evidence at trial clearly showed that his ministry and Saluda Rest are a church and church cemetery and church property and that he is the sole owner minister/operator, and that the two are indistinguishable, and the court's Order should be amended to reflect this evidence at trial. Plaintiff believes that it would be equitable and just to alter or amend the Order to clarify the language concerning path for the Defendant's ingress and egress to an eight (8) foot wide path and turn around area, and to require that the path be marked with input from the Plaintiff and surveyed at Defendant's cost. Plaintiff respectfully requests that this court alter or amend the order as stated above pursuant to Rule 59(c) SCRPC.

Respectfully submitted,

(signature page to follow)

November 5, 2020  
Greenville, SC

**THE DODD LAW FIRM, LLC**  
By: s/ Michael B. Dodd  
Michael B. Dodd (S.C. Bar No. 100599)  
13 Sevier Street  
Greenville, SC 29605  
Telephone: (864) 747-5607  
Facsimile: (864) 243-8255  
Email: michael@thedoddlawfirm.com

ATTORNEY FOR THE PLAINTIFF, KENNETH CURTIS

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Kenneth Curtis,

Plaintiff,

vs.

Cynthia Glenn,

Defendant.

IN THE COURT OF COMMON PLEAS

13TH JUDICIAL CIRCUIT

CASE NO. 2020CP2300939

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he has caused a copy of the Plaintiff's memorandum in opposition to Defendant's motion for new trial and intervention and Plaintiff's motion to alter or amend and Certificate of Service filed in the above-captioned case, to be served on the Defendant, via United States Mail.

**RECIPIANT:**

Cynthia Glenn  
579 W Circle Road  
Gray Court, SC 29645

**The Dodd Law Firm, LLC**  
s/Michael B. Dodd  
S.C. Bar No. 100599  
Attorney for the Plaintiff  
The Dodd Law Firm, LLC  
13 Sevier Street  
Greenville, SC 29605  
864-747-5607  
michael@thedoddlawfirm.com

November 5, 2020  
Greenville, South Carolina.

|                         |   |                              |
|-------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
|                         | ) | 13th JUDICIAL CIRCUIT        |
| COUNTY OF GREENVILLE    | ) |                              |
|                         | ) | C.A. NO.: 2020-CP-23-00939   |
| Kenneth Curtis,         | ) |                              |
|                         | ) |                              |
| Plaintiff,              | ) | PLAINTIFF'S MEMORANDUM IN    |
|                         | ) | OPPOSITION TO DEFENDANT'S    |
| vs.                     | ) | MOTION FOR NEW TRIAL AND     |
|                         | ) | INTERVENTION                 |
| Cynthia Glenn,          | ) |                              |
|                         | ) |                              |
| Defendant(s).           | ) |                              |
| _____                   | ) |                              |

Plaintiff, by and through his undersigned counsel, submits this reply to the Defendant's motion for New Trial and Intervention. In Defendant's motion, Defendant seeks a new trial based on Rule 59 of the South Carolina Rules of Civil Procedure ("SCRCP") and also for intervention pursuant to Rule 24 SCRCP. The Plaintiff hereby requests that the court deny the Defendant's motion for new trial and motion for intervention for the reasons set forth below herein.

#### MOTION FOR NEW TRIAL

Defendant filed a motion for new trial pursuant to rule 59 SCRCP seeking relief from this court's order of October 29, 2020 ("Order"). Defendant seeks a new trial related to evidence that was presented at trial (*See* Def. Motion, page 1) and based on Defendant's disagreement with rulings made at trial on certain issues and the Order of this court. As to the objection raised by Defendant with regard to evidence that either was admitted at trial or that was not admitted, and Defendant now seeks to have the court examine, the courts of this state have ruled, "an objection to the sufficiency of evidence cannot be raised for the first time in a motion for a new trial..." *Peay v. Ross*, 292 S.C. 535, 537, 357 S.E.2d 482, 483 (Ct. App. 1987). Defendant seeks for the court to address matters that were either ruled on at trial or that were not raised at trial by the Defendant.



Additionally, Defendant asks the court to grant a new trial based on the Order and rulings made in this case and because of things Defendant believes the court failed to address ((See Def. Motion, pages 4-13).

A court of equity to pursuant to Rule 53 of the South Carolina Rules of Civil Procedure, the court may "grant relief, either legal or equitable, to which any of the parties show themselves entitled, in the subject matter of the controversy." *Bramlett v. Young*, 229 S.C. 519, 535, 93 S.E.2d 873, 881 (1956). Here, the Defendant, by filing this motion, essentially attempts to continue making further argument and new argument related to her defense and her counterclaims. The court, in its Order, already made final rulings on the issues before the court in equity and they should not be disturbed. The "decision to grant a new trial is left to the sound discretion of the trial court..." *McAlhaney v. McElveen*, 413 S.C. 299, 303, 775 S.E.2d 411, 413 (Ct. App. 2015). In this case, the court, in its discretion should deny the Defendant's motion for new trial.

#### MOTION FOR INTERVENTION

Defendant has also made a motion before the court for intervention pursuant to Rule 24 SCRPC. Rule 24, SCRPC, provides for intervention of right and permissive intervention. *Sauner v. Public Service Authority of S.C.*, 354 S.C. 397, 410, 581 S.E.2d 161, 168 (2003). Rule 24, is appropriate for a third party challenge..." *Davis v. Jennings*, 304 S.C. 502, 503, 405 S.E.2d 601, 602 (1991). The intention of Rule 24 is for third parties to intervene for one of the reasons as stated in the rule. Rule 24 SCRPC. This rule is not designed to allow parties to an action to bring a motion on behalf of a third party. The Defendant has attempted to bring in outside parties through a motion to intervene, though the Defendant herself, and not an outside third party with some interest in this matter is the party filing the motion. Therefore, on its face, the motion is improper and must be denied. Defendant does not have standing to bring this motion on behalf on another

party that may or may not have an interest in this matter.

Even if the court were to find that the motion is properly before the court, the Defendant's motion to intervene must be denied as it is not timely. In analyzing a Rule 24 motion the court looks at a four part test. "There is a four part test for timeliness of motion 1) the time that has passed since the applicant knew or should have known of his or her interest in the suit; 2) the reason for the delay; 3) the stage to which litigation has progressed; and 4) the prejudice the original parties would suffer from granting intervention..." *Davis v. Jennings*, 304 S.C. 502, 504, 405 S.E.2d 601, 603 (1991). Defendant has not brought up intervention since the time this action was initiated in February of 2020. None of the issues before the court relating to the suit between the parties have changed. The Defendant knew of the issues since that time and has not brought up intervention until after trial. Because intervention has only now been brought up, after trial it would be improper, unjust, and extremely prejudicial to the Plaintiff to allow intervention at this late stage. Defendant's motion for intervention should be denied.

For the reasons set forth above, Defendant's motion for new trial and for intervention should be denied.

Respectfully submitted,

**THE DODD LAW FIRM, LLC**  
 By: s/ Michael B. Dodd  
 Michael B. Dodd (S.C. Bar No. 100599)  
 13 Sevier Street  
 Greenville, SC 29605  
 Telephone: (864) 747-5607  
 Facsimile: (864) 243-8255  
 Email: [michael@thedoddlawfirm.com](mailto:michael@thedoddlawfirm.com)

November 5, 2020  
 Greenville, SC

ATTORNEY FOR THE PLAINTIFF, KENNETH CURTIS

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Kenneth Curtis,

Plaintiff,

vs.

Cynthia Glenn,

Defendant(s).

IN THE COURT OF COMMON PLEAS  
13th JUDICIAL CIRCUIT

C.A. NO.: 2020-CP-23-00939

AFFIDAVIT OF KENNETH CURTIS

PERSONALLY, appeared before me the undersigned, who being duly sworn, deposes and says under oath that:

1. He is the Plaintiff in this action. The he is the owner of private property located at 113 and 177 Edwards Rd. in Greenville County, South Carolina and subject to this action.

2. He has buried human remains on his property since at least 1997.

3. He has been the sole owner of the property since approximately 2006.

4. He conducts burials, baptisms, marriage ceremonies, church and prayer services, prayer walks, and other activities on his property as a part of his ministry and private religious organization, Saluda Rest Preserve Natural Burials and Ministries.

5. He does not have any licensed or registered business entity, organization, nor does he use a federal identification number and is he not required to do so as he operates a private religious organization and ministry.

6. He does not and has not ever solicited funds for his ministry. He has accepted donations at times in connection with some of the ministry services he provides, including burials, but often buries bodies at the request of others as a part of his ministry and receives nothing in exchange.

7. The Defendant in this case filed a complaint with the South Carolina Department of Labor Licensing and Regulation and with the Perpetual Care Cemetery Board alleging that Kenneth Curtis was in violation of South Carolina law. On April 1, 2020, LLR and the Perpetual Care Cemetery Board dismissed the complaint.

8. His property and his ministry are not regulated by the Perpetual Care Cemetery Board nor by the South Carolina Perpetual Care Cemetery Act, and in fact are specifically excluded.

9. He owns private property and operates a private Christian ministry. The only remains buried on his property are those remains requested by a relative, family member, or other person legally charged with the disposition of the remains and acting as their own funeral director; he undertakes to bury remains only upon request. He does not solicit nor advertise his ministry services, nor does he charge any fee for the burial services performed as a part of his ministry.

10. In December of 2018 the Defendant contacted him about having her late husband's remains buried at his property.

11. He agreed and the funeral took place and he oversaw the ceremony and the burial. The Defendant later expressed her extreme unhappiness with the religious ceremony he conducted and the state of her husband's burial. He apologized that the Defendant was unhappy, but expressed to the Defendant that it had previously been discussed regarding the Christian values of Saluda Rest. He thereafter worked with the Defendant and her family to attempt to make the site of her husband's remains more to her liking, even allowing the Defendant to bring equipment on the property to place an approved stone marker.

12. Defendant became increasingly hostile during 2019 regarding visiting times, vehicle access to his private property, and also the manner in which he maintained the land around and over top of her husband's remains.

13. Defendant never requested any access to his private property in writing or otherwise, but always demanded entrance at her convenience. Eventually, Defendant filed a lawsuit against him for harassment. He then sought to enforce a no trespass notice against the Defendant which was not enforced by law enforcement. Thereafter, he filed a petition in North Greenville Summary Court seeking limitation on Defendant's entry to his property.

14. Prior to the hearing he attempted to resolve matters with the Defendant. His attorney also attempted to engage in a conversation regarding Defendant's entry on his property but the Defendant refused to discuss the matter.

15. After a trial in which the judge ordered visitation, Defendant called law enforcement on multiple occasions to force her entry onto Plaintiff's property along with other family members not covered by the order.

16. Defendant then filed a motion for a rule to show cause for contempt.

17. Kenneth Curtis, through his lawyer, attempted to resolve the issue of visitation again with the Defendant but Defendant did not wish to discuss the matter.

18. At a hearing on the rule to show cause for contempt, despite his statements and his lawyers statements on the record that he had attempted to comply with the court's order regarding visitation and had attempted to resolve the matter with the Defendant, and that he would from that day (March 5, 2020) forward allow the Defendant to visit every Thursday between the hours of 10:00Am and 4PM, the court

found him in contempt and sentenced him to three days in jail or a \$1,000 fine. Out of principal and because he did not at the time have access to the funds, he chose to spend his time in jail. He (Kenneth Curtis) considers the punishment to be far in excess of what is or was just and proper, and believes the punishment to be cruel and unusual.

19. Because he (Kenneth Curtis) believes in the rule of law and desires to abide by the law, he complied with the court order requiring him to allow access to the Defendant on Thursdays between 10:00AM and 4:00PM and also filed an action in this court for determination of his property as private property and not a public cemetery. Defendant has and continues to take extreme and costly measures to harass and cause harm to him through involvement of law enforcement and filing motions seeking contempt orders. These new and continued actions and this abuse of process has given rise to the current prayer for relief that access by Defendant be denied and that the previous court order be nullified.

20. After the South Carolina Governor declared a state of emergency in South Carolina on March 13, 2020 he did, in response to the directions given by the state and federal government officials in response to the COVID-19 pandemic, and following the recommended social distancing guidelines, make the decision to keep the gates of his private property closed to anyone, except for those approved at his discretion out of an abundance of precaution.

21. On March 26 around 11:00AM he did receive a text message from an unsaved and unknown number requesting access to his property, to which he responded that the property was closed due to COVID-19.

22. After receiving further texts from the unknown number, and realizing that it was the Defendant in this case, he did, immediately call his attorney and discuss the matter. After consultation with his attorney and deciding that he could allow access to the Defendant with reasonable social distancing measures, he did unlock the gate to his property and respond to the unknown number with a text stating that his property would be open until 6:00PM that evening for visitation by the Defendant.

23. He was on his property on March 26, 2020 walking with his dogs, but at no time did he discharge a firearm. He never saw the Defendant in this case, and most certainly did not stand in her path at any time whatsoever.

24. Since the day of the March 5, 2020 hearing, he has kept a posted sign stating that the Defendant is allowed visitation between the hours of 10:00AM and 4:00PM on Thursdays and has made sure that the gate to his private property has been unlocked each Thursday to allow access by the Defendant.

25. He has not in any way willingly violated the court's order allowing visitation, and has taken measures to allow for access. He has reached out to Defendant through his attorney to try to resolve Defendant's alleged problems regarding access, to which no response has been received.

26. On June 11, 2020 that the gate to his property was unlocked between the hours of 10:00AM and 4:00PM. On June 11, 2020 the Plaintiff did not hear from the Defendant nor is there any indication that Defendant came to the Plaintiff's property or tried to contact the Plaintiff. The gate camera shows no video of the Defendant approaching the gate on June 11, 2020.

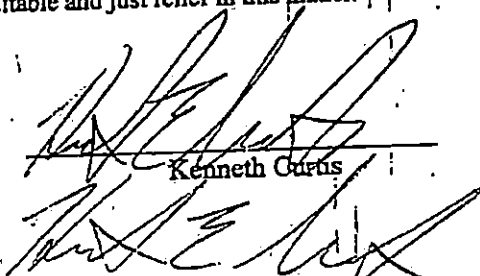
27. Kenneth Curtis through his attorney has written to Defendant multiple times asking for her to contact him in an effort to resolve these matters. The Defendant has not reached out, but instead filed another rule to show cause for contempt in North Greenville Summary Court saying that Kenneth Curtis refused access on March 26 and June 11, 2020. This is simply not true.

28. Kenneth Curtis begs and prays that this court see the injustice and inequity of this continued dispute between the parties, and continued unfounded legal action by the Defendant, which has become far more than a question of visitation by the Defendant, but has morphed into an attack on his life and livelihood and private property and religious liberties. Defendant has stated, "I swear to god I will destroy him" in reference to Kenneth Curtis, indicating her desire to do far more than gain access for visiting her deceased husband's remains, but to inflict harm upon him.

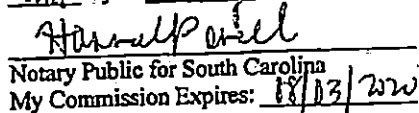
29. Kenneth Curtis begs and prays, that this court will grant him equitable relief from the continued abuse of process by the Defendant and deny her access to his property, nullify the previous court order based on these new facts and circumstances, and declare that his private property is in fact his private property

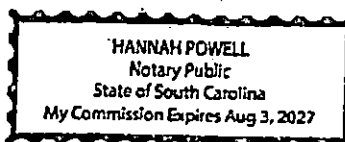
30. He (Kenneth Curtis) has had to spend in excess of \$8,500.00 on costs and legal fees defending and fighting the actions of the Defendant. He has lost countless nights of sleep. A family was prevented from burying their loved one for more than a week after scheduled burial due to the last contempt ruling. He considers his ministry at Saluda rest to be a calling and takes his role very seriously and the thought of losing that has caused him extreme mental and even physical anguish and fatigue over this last year. All of this could have been avoided if the Defendant had been respectful and kind in her communications towards him or if she had chosen to correspond pursuant to South Carolina law instead of Continuing to insist on legal action. He prays and begs for equitable and just relief in this matter.

THE AFFIANT FURTHER SAYETH NAUGHT.

  
Kenneth Curtis

SWORN to before me this  
1st day of July 2020

  
Notary Public for South Carolina  
My Commission Expires: 8/3/2027



STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Kenneth Curtis,

Plaintiff,

vs.

Cynthia Glenn,

Defendant.

IN THE COURT OF COMMON PLEAS

13TH JUDICIAL CIRCUIT

CASE NO. 2020CP2300939

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused a copy of the Plaintiff's Affidavit of Kenneth Curtis and Certificate of Service filed in the above-captioned case, to be served on the Defendant, via United States Mail.

## RECIPIANT:

Cynthia Glenn, Defendant  
579 W Circle Road  
Gray Court, SC 29645

**The Dodd Law Firm, LLC**  
s/Michael B. Dodd  
S.C. Bar No. 100599  
Attorney for the Plaintiff  
The Dodd Law Firm, LLC  
13 Sevier Street  
Greenville, SC 29605  
864-747-5607  
michael@thedoddlawfirm.com

July 2, 2020  
Greenville, South Carolina.

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO.

Kenneth Curtis,  
Plaintiff

Cynthia Glenn,  
Defendant

|               |                                                                                      |
|---------------|--------------------------------------------------------------------------------------|
| Submitted by: | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
|               | or<br><input type="checkbox"/> Self-Represented Litigant                             |

**DISPOSITION TYPE (CHECK ONE)**

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

**ORDER INFORMATION**

This matter was before the court on July 7, 2020 relative to Defendant's Motion to Dismiss.

Based upon the evidence presented, the court rules that any issues that occurred between the parties prior to January 15, 2020 (the date of Judge Sutherlin's Order) may not be re-litigated in this court.

Further, the court imposed a mutual restraining order, punishable by a minimum sanction/fine of \$500.00 per violation and/or jail, against any harassment or interference by and between the parties, directly or indirectly.

The case, by agreement, shall be set for trial after 45 days of discovery.

**IT IS SO ORDERED.**

| INFORMATION FOR THE JUDGMENT INDEX                                                                                                                                                                           |                                          |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below. |                                          |                                                          |
| Judgment in Favor of<br>(List name(s) below)                                                                                                                                                                 | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|                                                                                                                                                                                                              |                                          | \$                                                       |
|                                                                                                                                                                                                              |                                          | \$                                                       |
|                                                                                                                                                                                                              |                                          | \$                                                       |



If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.  
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

|                     |                    |                  |
|---------------------|--------------------|------------------|
| Circuit Court Judge | 3023<br>Judge Code | 07/07/20<br>Date |
|---------------------|--------------------|------------------|

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

Michael Todd  
13 Sevier Street  
Greenville, SC 29605  
ATTORNEY(S) FOR THE PLAINTIFF(S)

Cynthia Glenn  
579 West Circle Road  
Gray Court, SC 29645  
ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

**Court Reporter:** Danette Hanks

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Greenville Common Pleas

**Case Caption:** Kenneth Curtis vs. Cynthia Glenn

**Case Number:** 2020CP2300939

**Type:** Master/Order/Form 4

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUITCOUNTY OF Greenville2020 NOV - CASE NO. 2020-CP-23-00939Kenneth CurtisFILED CLERK OF COURT  
Plaintiff PAUL B. WICKENHILL  
GREENVILLE  
MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

vs.

Cynthia Glenn

Defendant.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------|------------------------------------------|--------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------|--|-------------------------------|--|---------------------------------------|--|
| Plaintiff's Attorney:<br><u>Michael Dodd</u> , Bar No. _____<br>Address: _____<br>Phone: _____ Fax: _____<br>E-mail: _____ Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Defendant's Attorney: <u>Pro Se</u><br><u>Cynthia Glenn</u> , Bar No. _____<br>Address: _____<br><u>579 W Circle Rd Gray Court SC 29645</u><br>Phone: <u>864-350-2830</u> Fax: <u>864-228-2271</u><br>E-mail: _____ Other: _____ |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)<br><input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)<br><input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| SECTION I: Hearing Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| Nature of Motion: <u>Intervention, Rehearing, etc</u><br>Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| SECTION II: Motion/Order Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input checked="" type="checkbox"/> Written motion attached<br><input type="checkbox"/> Form Motion/Order<br>I hereby move for relief or action by the court as set forth in the attached proposed order.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| SECTION III: Motion Fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> PAID - AMOUNT: \$ _____<br><input type="checkbox"/> EXEMPT: (check reason) <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> <td><input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> <td><input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status</td> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act</td> <td><input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication</td> <td><input type="checkbox"/> Proposed order submitted at request of the court; or,</td> </tr> <tr> <td colspan="2">reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td colspan="2">Name of Court Reporter: _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Other: _____</td> </tr> </table> |                                                                                                                                                                                                                                  | <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support | <input type="checkbox"/> State Agency v. Indigent Party | <input type="checkbox"/> Domestic Abuse or Abuse and Neglect | <input type="checkbox"/> Post-Conviction Relief | <input type="checkbox"/> Indigent Status | <input type="checkbox"/> Motion for Stay in Bankruptcy | <input type="checkbox"/> Sexually Violent Predator Act | <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) | <input type="checkbox"/> Motion for Publication | <input type="checkbox"/> Proposed order submitted at request of the court; or, | reduced to writing from motion made in open court per judge's instructions |  | Name of Court Reporter: _____ |  | <input type="checkbox"/> Other: _____ |  |
| <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> State Agency v. Indigent Party                                                                                                                                                                          |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Domestic Abuse or Abuse and Neglect                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Post-Conviction Relief                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Indigent Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> Motion for Stay in Bankruptcy                                                                                                                                                                           |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Sexually Violent Predator Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)                                                                                                                                                                   |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Motion for Publication                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> Proposed order submitted at request of the court; or,                                                                                                                                                   |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| reduced to writing from motion made in open court per judge's instructions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| Name of Court Reporter: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| JUDGE'S SECTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | JUDGE CODE _____<br>Date: _____, 20____                                                                                                                                                                                          |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| CLERK'S VERIFICATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| Collected by: <u>Acct</u> Date Filed: _____, 20____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |
| <input checked="" type="checkbox"/> MOTION FEE COLLECTED: \$ <u>25.00</u><br><input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                  |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                 |                                                                                |                                                                            |  |                               |  |                                       |  |

STATE OF SOUTH CAROLINA

2020 NOV -9 AM 10: 22

COUNTY OF GREENVILLE

KENNETH CURTIS,

Plaintiff,

FILED-CLERK OF COURT  
PAUL B. WICKENS  
GREENVILLE

vs.

CYNTHIA GLENN,

Defendant

IN THE COURT OF COMMON PLEAS

Case No.: 2020CP2300939

**DEFENDANT'S AMENDED MOTION FOR  
NEW TRIAL AND INTERVENTION**

**NOTICE OF CHALLENGE TO CONSTITUTIONALITY AND CONFLICT WITH STATE STATUTES** affecting the public interest is herein drawn in question and a plea is set before the Office of the Attorney General to intervene in these matters, pursuant to Rule 24 (a) Intervention of Right in compliance with Rule 24 (c) Procedure; Notice to State When Validity of Statute Questioned.

In addition to the challenge to constitutionality, Under Rule 59(a), Defendant Motions for a new trial on this issue upon the grounds that decisions of the court are contrary to SC. Code of laws, the damages to the this party and the public are excessive, Plaintiff did not disclose previous ruling of the court regarding one parcel of land and the conflict of interest related to the presiding judge, and inaccurate and undisclosed information was submitted into evidence.

Rulings in the above referenced case were made October 13, 2020 and electronically signed on 10/29/2020. Defendant is pro se and has not received a hard copy but was able to find the order on the public index on November 2, 2020. This hearing was a result of a referral from January 15, 2020 Magistrate Court Orders demanding that Kenneth Curtis file in Common Pleas within 30 days or access to Saluda Rest Cemetery would be open to the public.

*"I find that the Plaintiff has opened his property to the public for use as a cemetery.*

*As a result, the Plaintiff owes a duty to the families of those buried in his cemetery .... Therefore, the Plaintiff shall set standard weekly visitation hours .... A dispute exists as to whether the Plaintiffs property is a cemetery. The determination of the Plaintiffs property as a cemetery is beyond the jurisdiction of this Court; therefore the Plaintiff is **ordered to file an action** with the Circuit Court to determine Plaintiff's **status as a cemetery**. If the Plaintiff fails to make such a filing with Circuit Court within 30 days of the date of this Order, the posted visitation schedule shall apply to all members of the public in addition to the Defendant."*

Plaintiff filed an improper complaint and convoluted the case. Subsequently, the court ruled on some matters of the incorrect filings. The ONLY matter before the court were:

1. Is the property at 177 Edwards Road a cemetery?
2. If so, what open hours is Plaintiff required to maintain?

Defendant is not equipped nor responsible for representing the rights or responsibilities of the public at large. Neither is she a solicitor or government agency responsible for compliance enforcement. The Court and this ruling have acted ultra vires as to issues of a private person litigating for the public.

Instead of solely addressing the access for the public, Plaintiff incorporated questions of religious freedom and private property ownership related to his personal home instead of the cemetery ground and other used property not owned by the Plaintiff. Plaintiff's complaint also challenged the verdict of magistrate court and in the same complaint sued Defendant for the pain and suffering he believed he had endured based upon the magistrate court rulings. In essence this case became an appeal from magistrate court without the merits or authority of an acceptable timely appeal. The non-equity issues had already been won in Magistrate Court. Where a timely appeal is a jurisdictional prerequisite (See SCCA RULE 18), Master in Equity must have had to be referred to him. It was not. The master in equity lacks all subject matter jurisdiction in the matter of Cynthia Glenn.

The Court of Common Pleas then acted upon the errored complaint and made erroneous rulings that conflict with magistrates findings, not filed as mandatory per Rule 18 of

**DEFENDANT'S AMENDED MOTION FOR NEW TRIAL AND INTERVENTION**

appeals and that of which was brought in the wrong court, "this court." State and Federal laws, government agency regulations, SC Appellate Court Rules and Common Law related to the rights of the deceased. Further The Court did not rule on the major issue before it:

*"The court makes no ruling as to whether Plaintiff's operation called Saluda Rest is or is not a church, legally recognized cemetery, nature preserve or nonprofit entity."*

A true and complete remedy was not obtained and an Intervention is necessary.

### **Issues of the Case**

1. Is The Court of Common Pleas entitled to assume subject matter and real jurisdiction and overrule Magistrate Court Orders when no appeal was filed?
2. Is Plaintiff's self-proclaimed status as a "ministry" the same as being a legally operating church or non-profit organization qualified as exempt from The Perpetual Care Act? If a "ministry's" primary purpose is to sell cemetery burials, without operating an actual church, do they still qualify as exempt from Perpetual Care Act laws?
3. Does exemption from Perpetual Care Act laws also transfer to preneed contracts, funeral services and charitable organizations?
4. Is a cemetery entitled to sell to the public without offering any public access?
5. Is Plaintiff's cemetery entitled to claim Nature "Preserve" in advertising to the public since he does not hold that regulatory license?
6. Since Plaintiff's personal home has a family cemetery, by deeding his personal home into the same name as the cemetery, is the cemetery now also considered a "family cemetery" and exempt from state requirements in The Perpetual Care Act?
7. Are newly purchased property by Plaintiff also exempt from tax and state cemetery laws?
8. If a person convicted of crimes of moral turpitude cannot legally operate a cemetery, charitable organization or offer funeral and preneed services; does claiming to now be a "minister" waive that prohibition?

**DEFENDANT'S AMENDED MOTION FOR NEW TRIAL AND INTERVENTION**

pg. 3

9. If Saluda Rest is now determined to be private property, is Plaintiff allowed to continue to sell to the public?
10. Can humans be owned, either living or dead? Did Plaintiff's willful alteration of contracts violate the constitutional rights of the deceased and future generations by claiming ownership of the remains?
11. Does the declaration of Saluda Rest Preserve Natural Burial and Ministry as a private property give ownership of Defendant's husband's remains and some other 50 plus bodies to the Plaintiff?

### **Regarding Court Proceedings**

1. Defendant was denied both an opening and a closing statement. Without this due process, it was impossible to argue a proper defense.
2. Surprises Undisclosed Evidence and Findings Prejudiced the Case
  - a. Curtis v. Curtis C.A. No. 03-CP-23-7936 in 2005 Greenville County Common Pleas. Days before the hearing, Defendant discovered an undisclosed case before the same judge showing that one of Curtis's properties already had a ruling regarding land use and cemetery. Personal home at 113 Edwards Rd was described as a compound titled and hereafter referred to as TOMAR for the sole purpose of being a self-sustaining commune for the Curtis family. Two family graves were mentioned and described as a family cemetery. The detailed order had no mention of any ministry, church, plans for a public cemetery or community outreach of any kind.
  - b. New burial locations were introduced. In over a year of litigation and a lengthy trial in magistrate court, the primary focus of dispute has been 177 Edwards Road. Yet, suddenly on the day of court, Plaintiff alleged that many graves have been placed at TOMAR. These new claims contradict all former testimony, are

not a service mentioned on the public website and contradict Curtis v. Curtis order findings. Other than two witnesses, no evidence whatsoever was presented to substantiate the claims that TOMAR was in the business of burial as advertised by Saluda Rest Preserve Natural Burials and Ministry. No proof whatsoever was presented to validate these new claims; no obituaries, no photographs, and no burial permits.

- c. Letter to the Judge: Despite objections by Defendant, The Court allowed into evidence a previously undisclosed, unsigned, undated letter to the judge from Curtis. Curtis testified that it was a 'thank you' letter sent to the Honorable Judge Simmons after he was awarded the homestead property in the 2005 lawsuit. It is noted that the 'Thank You' letter was on Saluda Rest letterhead and did not mention TOMAR. Later examination of the letter mentions neighboring property being put into the name of a nephew. This action did not occur Sept 2020. Based upon this new information Curtis has either 1) attempted to be in contact with the judge after filing his complaint in this case or 2) attempting to change the outcome of the case by testifying to a letter that did not exist. .

### 3. False Testimony

- a. One of the witnesses testified to burying a family member at TOMAR. Upon further investigation, but family member appears to still be living.
- b. Curtis testified that he asked Maria Cortez to consent to be buried in the driveway to prohibit Defendant's access to the cemetery and that she agreed because she wished to protect the burial property. Ms. Cortez' funeral was originally brought into question by the open grave referenced in Rule To Show Cause Motion and Magistrate Emergency Injunction. Plaintiff has produced no evidence that Ms. Cortez existed or that she is buried on the properties.

Defendant has been unable to find a fresh grave or any photographic evidence of



the grave or services to support Curtis's claims that there was a woman named Maria Cortez that was buried in his cemetery.

- c. Incorrect Map: The Court allowed a partial and outdated map to be submitted into evidence despite objection from this Defendant and despite extreme testimony from many witnesses, including Plaintiff's witnesses, that the map was incorrect. The map was of TOMAR and only a corner of the cemetery could be seen. Curtis testified that the map represented the property in question which was a false statement.

**4. Plaintiff Confused the Issues by Failing to Differentiate Between Separate Properties owned by Plaintiff**

- a. Through map exhibit and testimony, properties were inappropriately presented. TOMAR is not the same as Saluda Rest Preserve Natural Burial and Ministry cemetery property. Cemetery property is approximately a mile down the road from TOMAR with separate address, entrance, gate, Tax Map ID, deed and signage. They were presented as if they were one property with a single function thus created an inaccurate scenario and incorrect order.
- b. Testimony referenced a third property, not deeded to Kenneth Curtis (125 Edwards Rd). It is being used to conduct funeral services and baptisms. TOMAR is adjacent to funeral service property but is gated and fenced separately. Upon subpoena, Curtis produced no legal authority to be conducting any functions at this wooded location by the river. This property is also not the property in question related to this case.
- c. A fourth newly acquired property was introduced recently deeded the name of Saluda Rest Ministry.

**Regarding Court Rulings**

1. The Court failed rule on the issues for which the case was referred:
  - a. Is the property at 177 Edwards Road a cemetery?
  - b. If so, what open hours is Plaintiff required to maintain?
2. Common Pleas Order contradicts itself and Magistrate Court rulings. Full faith and credit must be given to Magistrate Court rulings and cannot be overturned by This Court since rulings were not appealed. Therefore, any rulings of This Court must accept the Magistrate Court rulings and build upon them for the referenced matter. *I find that the Plaintiff **has opened his property to the public** for use as a cemetery.*
3. Common Pleas order is not understandable or applicable. *"The Plaintiff's property is private property. The Plaintiff's property is not open to the general public."* Such an issue was not before the court. The reference from Magistrate Court was not related to whether Plaintiff owns some undisclosed private property.
4. The order proffered in that "Defendant's stated desire that Plaintiff's property should be open to the public without any restriction or limitation to anyone with regard to access." This is an incorrect statement that has never been before This or Magistrate Court. Defendant has never made this claim.
5. A substantial omission in the order is Defendant's Rule to Show Cause motion. The motion was accepted by The Court and scheduled to be heard on the same day with the trial and other motions. The Court ruled in favor of the Defendant by requiring that graves be placed away from the driveway, but did not sanction the Plaintiff for the harassment or acknowledge the existence of the contempt motion in the order.
6. The Court ignored a key witness testimony regarding the surrendering of cemetery land for public use. Sandra Crisp testified and the deed was submitted into evidence verifying that until 2012 she owned the 12.5 acres of land located at 177 Edwards Rd. At that time, she donated the land to Curtis as a charitable gift for the sole purpose of interring the dead in a manner that legally complied with the regulation requirements of

a Nature Preserve. Plaintiff accepted the land under these conditions and had it deeded under the name of Saluda Rest. Crisp was of the understanding that Curtis had upheld that contract.

7. The Court contradicted itself and did not make a usable ruling. If all of Plaintiff's properties are private and none are ruled a cemetery, as the order claims, why then did the order stipulate that Defendant is entitled to access to only one of these properties, 177 Edwards Road without making that same distinction regarding the rest of the findings. While The Court differentiated for the purposes of restraints against the Defendant; The Court did not make the same distinction for the Plaintiff. This ruling shows bias towards Plaintiff and gives virtually free rein to The Plaintiff regarding his rights to bury human remains without any restraint.
8. By failing to address the unjust and altered burial contracts; The Court gave entitlement and ownership of all previous bodies interned at the cemetery to the Plaintiff. In essence, the court awarded the remains of Defendant's husband and all bodies interned at the cemetery to the cemetery owner, Kenneth Curtis without any notice to or representation from the public or other families.
  - a. In 2018 cemetery contracts were authorization for burial agreements. The 2019 and 2020 contracts disclosed by Plaintiff reveal that the cemetery is now claiming that the remains of the deceased are his personal property. Saluda Rest has no other written policies or procedures. There are now some 50+ graves scattered throughout the 12.5 acres known as Saluda Rest Preserve Natural Burial and Ministry affected by these new contracts.
  - b. The Court inaccurately stated the conditions of the authorization letter between parties creating a false scenario and new contract conditions. The statement should read:

*"Plaintiff entered into an agreement made up of a form prepared by Plaintiff with*

*a heading "Legal Representative" and other verbal agreements between the parties regarding Defendant's husband's remains and burial which formed the basis of a purported contract. "*

These inaccurate statements within the ruling created a false scenario and the appearance of a new contract between parties. The statement should read, "Defendant signed a Legal Representative form prepared by the Plaintiff after verbally discussing policies. The form stated, "I authorize Saluda Rest Natural Burials and Ministries to conduct the burial process of these remains in accordance with their policies and procedures." No written policies or procedures other than this form were in existence.

9. Opposing Counsel did not allow Plaintiff opportunity to review or contribute to the proposed order prior to the deadline. Defendant did object after the order was given to The Court and attempted to submit recommendations but most were ignored.

### **Rulings Conflict with Laws/Regulations Affecting the Public Interest**

1. By declaring that Plaintiff owns private property without ruling on the cemetery, The Court conflicted with all known state laws and regulations regarding cemeteries, funeral services, preneed contracts, charitable organizations in South Carolina.
2. The Court created a de facto cemetery by ruling that the property was private despite evidence that Plaintiff is continuing to sell to the public, often under false pretenses. Rulings contradict testimony and evidence.
3. By failing to rule on the cemetery, The Court
  - a. Did not protect the public interest,
  - b. Allowed an unqualified and unauthorized person to continue to offer unapproved preneed contracts and work with hospice organizations and vulnerable adults,
  - c. Allowed Plaintiff to continue to collect money under the presumption of being a

Nature Preserve burial ground and non-profit entity without requiring Plaintiff to fulfill those conditions,

- d. Allowed a Breach of existing contracts by merging former contracts into the same conditions as current contracts and thereby nullifying their original agreements.
  - e. Allowed Plaintiff to continue to intern bodies without recording the graves locations or filing paperwork with the state.
4. The Court failed to differentiate between separate properties owned by the Plaintiff. By allowing the Plaintiff to merge the rights of one property onto other properties, he has created an Ex post facto effect that granted rights inappropriately to new properties while removing the rights of the original victims whose family is buried at the cemetery.
  5. The Court did not hold Plaintiff responsible for any of the guidelines required by statute to operate a public cemetery, Nature Preserve, non-profit cemetery or Church cemetery. The Court also did not require Plaintiff to follow preneed contract guidelines.
  6. S.C. Codes preclude felons or those convicted of crimes of moral turpitude from, operating charitable organizations, managing cemeteries or nature preserves, soliciting preneed contracts, providing funeral services. By allowing Plaintiff to circumvent the law and operate a de facto cemetery, The Court subjected the public to unnecessary risk.
    - a. Curtis did willfully create an unjust scenario that he used to abuse the process and conduct a gross miscarriage of justice by opening, operating and soliciting to the public as a cemetery, with full knowledge and intent to defraud the public.
    - b. Curtis has been actively involved in crimes of moral turpitude for the past 20 years. If Curtis had applied for a valid license to offer these services legally in South Carolina, he would have been denied and Saluda Rest Natural Burial and Preserve Cemetery would not have been in operation.
    - c. Curtis continues to act in a way that would preclude him from becoming legally compliant to operate a cemetery or Nature Preserve or provide the funeral

services for the cemetery.

### **Ruling for Restraints and Property Damage Conflict with other Rulings**

Defendant prevailed against Plaintiff's claim of abuse of process as well as in her Motion for a Rule to Show Cause. Pursuant to Rule 59(a) and RULE 60(b), Defendant is entitled to a new trial and relief on these issues. Despite Defendant being the prevailing party, The Court issued a harassment restraining order and property damages rulings against the defendant.

1. With regard to abuse of process, Plaintiff alleged that Defendant had sued him first in magistrate court and that all subsequent actions were a result of Defendants actions calling her a "vexatious litigant." It was revealed that it was not Defendant who had brought this case before the Magistrate Court, but that it was Plaintiff himself. In truth, Plaintiff had been found guilty and sentenced to three days in jail for his contempt action regarding magistrate orders in March 2020 and was found to be willfully prohibiting Defendant from visiting the grave again in September 2020 but was not convicted due to "leniency for the coronavirus situation." During order draft instructions, The Court noted that Curtis was the one who started the legal actions stating that he must accept the consequences of his legal pursuit.
2. Order improperly referenced case # 2019OR2311100028. This case was already decided by magistrate court and not referred to Common Pleas. Referencing the incorrect case number distorted the facts and was used to legitimize unmerited harassment rulings against Defendant. Complaints prior to 1/15/2020 were also barred by dismissal order from 7/7/20.
3. In August 2020, Magistrate Court intervened with an emergency injunction to prevent Plaintiff from interring human remains in the driveway in a manner that would permanently prohibit all future vehicle access to the cemetery. The grave had remained 'open' until such time as the Court of Common Pleas could make a final ruling. While The Court failed to acknowledge Defendant's Rule to Show Cause Motion in rulings, The

**DEFENDANT'S AMENDED MOTION FOR NEW TRIAL AND INTERVENTION**

Court did rule in favor of the Defendant by prohibiting Plaintiff from placing all graves from within 15 feet of the driveway.

4. Plaintiff admitted to put an open grave in front of the entrance to the cemetery for the purpose of preventing Defendant from entering the property to reach her husband's grave. Despite this admission, The Court did not sanction the Plaintiff for the willful contempt.
5. Despite Defendant being the prevailing party regarding the Rule to Show Cause Harassment Motion and despite no allegations against Defendant for harassment; The Court ruled against the Defendant for harassment, a matter that was not before the court. The Courts have never found Defendant to have harassed Plaintiff in any way; however, The Courts have ruled against Plaintiff many times.
6. The harassment ruling against the Defendant conflicts with and far exceeds SC state penalties. SECTION 16-3-1710(C) " a person convicted of harassment in the second degree ...must be fined two hundred dollars or imprisoned thirty days, or both." Defendant has never harassed Plaintiff and all of his accusations refer to her peaceful attempts to visit her husband's grave. All Plaintiff's accusations have been proven false therefore a ruling and threat of a \$5,000 fine plus imprisonment is unjust and unusual punishment for a party who has been proven innocent.

The Court of its own initiative issued restraints in its ruling despite neither party motioning for such relief and without allowing this party to defend or to make representations regarding the ruling. Because of the nature of a cemetery, restraints made in relation to visiting rights are a life-sentence for this party. They are inconsistent with the court's verdict and are an extreme punishment when no violation has been committed.

## **LAW AND ANALYSIS**

Rule 53(c) gives the master the power to conduct hearings in the same manner as the circuit court, unless the order of reference specifies or limits his powers." Deep Keell, LLC v. Atl.

## **DEFENDANT'S AMENDED MOTION FOR NEW TRIAL AND INTERVENTION**

Private Equity Grp., LLC, 413 S.C. 58, 75, 773 S.E.2d 607, 616 (Ct. App. 2015). Magistrate Court Order clearly limited the referral to only certain topics not yet decided by that court.

Complete relief cannot be afforded if the action is limited to the existing parties. The public has a legally protected interest in this case and the absence of representation on behalf of the public fails to protect the interest of all future generations of those already interned at the cemetery. By ruling that the property is private, the court subjected the public and this party to multiple, inconsistent legal obligations with respect to that interest. According to Fed.R.Civ.P. 19(a)(1) and (B)(i). Rule 19 and SCRCP Rule 19 Joiner of Persons needed for just Adjudication; the public interest must be joined.

Orders of This Court are not understandable. SCRCP RULE(e) Motion for More Definite Statement. If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, he may move for a more definite statement before interposing his responsive pleading.

Defendant is entitled to corrections under SCRCP RULE 60(b)(1)(2)(3) (b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud, misrepresentation, or other misconduct of an adverse party.

Curtis has no legal authority to claim ownership of any remains even with the altered contracts presented in court. For the purpose of burial, however, the corpse of a human being is considered to be property or quasi-property, the rights to which are held by the surviving spouse or next of kin. This right cannot be conveyed.

Allowing Plaintiff to claim human remains also contradicts SC Code SECTION 16-17-600; Destruction or desecration of human remains. By allowing the Plaintiff to claim human

**DEFENDANT'S AMENDED MOTION FOR NEW TRIAL AND INTERVENTION**



remains as personal property, The Court nullified any future claim to access to the cemetery for any party not listed in the order. In essence, the ruling obliterated the cemetery.

Rights to human remains and their care were a major factor in The Native American Graves Protection and Repatriation Act (NAGPRA), Pub. L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048. The Act declares that these human remains and other artifacts discovered many years after disbursement of the tribes are of such central importance that they may not be alienated, appropriated, or conveyed by any individual tribal or organization member. They held that when tribal dead were desecrated, disturbed, or withheld from burial, their religious beliefs and practices are being infringed upon. When Plaintiff sold burials to the public and then seized the remains as his own property with discriminatory visitation practices, he violates religious beliefs and practices that are protected by the first amendment.

When human remains are intentionally placed in real property with the consent of the owner, the common law recognizes that the character of such real property has been fundamentally and perpetually transformed. The HUXFIELD CEMETERY ASS v. ELLIOTT, Opinion No. 26866. Sup Ct. of S.C, 2010 Cemetery Protection Laws Are Not Takings of Private Property and the court's equity powers are properly used in order to protect the rights of those owning lots in or having relatives buried in a cemetery. Beatty v. Kurtz 32 27 U.S. 566 (1829) established the principle that the courts of equity have the authority to protect burial grounds, the desecration of which is a "public nuisance." That if property consecrated for burial is to be taken it would be a violation of the "sepulchres of the dead," the feelings of religion, and the sentiment of natural affection of the kindred and friends of the deceased and future generations. The remedy must be sought in the protecting power of a court. The leading common law case on this subject is Hines v. State 149 S.W. 1058, 1059 (Tenn. 1911). In that case, the Tennessee Supreme Court observed that when land has been definitely appropriated for burial purposes, it cannot be conveyed or devised as other property, so as to interfere with the use and purposes to which it has been devoted. When once dedicated to burial purposes,

**DEFENDANT'S AMENDED MOTION FOR NEW TRIAL AND INTERVENTION**

pg. 14

and interments have been made, the then owner holds the title to some extent in trust for the benefit of those entitled to burial in it. The right of burial extends to all the descendants.

Rulings violate state laws regarding conduct and ownership of cemeteries and funeral services. TITLE 40. PROFESSIONS AND OCCUPATIONS, CHAPTER 19. Embalmers and Funeral Directors; TITLE 32. CONTRACTS AND AGENTS CHAPTER 7. Preneed Funeral Contracts; Title 40. PROFESSIONS AND OCCUPATIONS Chapter 8. South Carolina Perpetual Care Cemetery Act; Title 33. CORPORATIONS, PARTNERSHIPS AND ASSOCIATIONS Chapter 56. Solicitation of Charitable Funds; Code of Regulations CHAPTER 21. South Carolina Perpetual Care Cemetery Board 21-27. Nature Preserve; Title 27. PROPERTY AND CONVEYANCES Chapter 43. Cemeteries

Plaintiff would be barred from legally providing funeral services because his history and ongoing acts of Moral Turpitude; The State v. Kenneth Curtis SC Supreme Court, Opinion No. 25762 (2004), The State v. Kenneth Sowell SC Supreme Court, Opinion No. 26199 (2006)

Once Plaintiff advertised and sold to the public; the first body interned on the premises forever changed the nature of the property. As long as bodies continue to be interred upon the property and burial is open to the public, then the property cannot be considered a private cemetery.

For all of the above reasons, the public now needs intervention to protect them from being victimized by Plaintiff while they are in a vulnerable state. These matters need a final and complete resolution.

Inaccurate statements within the ruling created a false scenario that inappropriately alters contracts between parties.

False Testimony and Criminal Elements introduced at hearing necessary intervention.

The ruling of The Court ignore statues and regulations, and did not provide a final resolution to the matter.

**DEFENDANT'S AMENDED MOTION FOR NEW TRIAL AND INTERVENTION**

pg. 15

Defendant has not harassed Plaintiff in any way or caused deliberate damage to his property. These matters were not before the court, The Court does not have jurisdiction to make such rulings and such a verdict violates personal freedoms and due process of Defendant. **THEREFORE**, Defendant requests an intervention and declaratory judgement from the Attorney General and a retrial or relief for harassment and property damage rulings of The Court.

, this date: 11/9/20  
 Cynthia Glenn, Pro Se Defendant/Petitioner  
 864-350-2830  
sandy@carolinawaterbirth.com

Sworn before me this 9<sup>th</sup> day of Nov., 2020  
 x  A. Usberry  
 Notary Public, South Carolina, Greenville County  
 Commission Expires 05-05-2026

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

KENNETH CURTIS,

Plaintiff,

vs.

CYNTHIA GLENN,

Defendant

2020 NOV -9 AM 10:23

IN THE COURT OF COMMON PLEAS

FILED-CLERK OF COURT  
PAUL B. WICKENSMEYER  
GREENVILLE

Case No.: 2020CP2300939

**CERTIFICATE OF SERVICE**

I attest to sending **DEFENDANT'S AMENDED MOTION FOR NEW TRIAL AND INTERVENTION** via USPS postage paid to The Honorable Alan Wilson P.O. Box 11549  
Columbia, S.C. 29211.

And to the plaintiff's attorney at The Dodd Law Firm 13 Sevier Street Greenville, SC 29605,  
Greenville, SC 29605 on 11/9/20.

  
Cynthia Glenn, Pro Se Defendant  
864-350-2830  
sandy@carolinawaterbirth.com

Dated this day 9th of Nov, 2020

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Kenneth Curtis,

Plaintiff,

vs.

Cynthia Glenn,

Defendant(s).

IN THE COURT OF COMMON PLEAS  
13th JUDICIAL CIRCUIT

C.A. NO.: 2020-CP-23-00939

**ORDER**

This action involves a dispute between the Plaintiff, Kenneth Curtis (hereinafter "Plaintiff" or "Mr. Curtis"), and the Defendant, Cynthia Glenn ("hereinafter "Defendant" or "Ms. Glenn"), over access to property owned by the Plaintiff and the status of Plaintiff's property ownership and the rights Defendant has to access the property in order to visit her deceased husband's grave site. The Plaintiff timely initiated this case in the Greenville County Court of Common Pleas on January 14, 2020, pursuant to a Greenville County Magistrate's Court order directing Plaintiff to do so. The Defendant timely answered the complaint and brought counterclaims against the Plaintiff. The case was referred and tried on October 13, 2020 in an all-day trial.

**PROCEDURAL HISTORY**

On January 15, 2020 Greenville County Magistrate Judge, The Honorable Kenneth G. Southerlin, Jr., issued an order ("Order") amending two previous orders involving the Plaintiff and Defendant in cases 2019CV2311101849 and 2019OR2311100028 originally filed *pro se* by both parties, which were consolidated for trial before the North Greenville Summary Court. The Order directed Plaintiff to "file an action with the Circuit Court to determine Plaintiff's status as a cemetery." Plaintiff filed this lawsuit on February 14, 2020 in the Court of Common Pleas.

Defendant timely filed an answer and counterclaims against the Plaintiff. Defendant also filed a pre-trial motion to dismiss, which was denied in part and granted in part, the court ruling that any issues that occurred between the parties prior to January 15, 2020 (the date of Judge Southerlin's Order) may not be re-litigated in this court. See, Order filed 7/8/2020. Further, the court imposed a mutual restraining order, punishable by a minimum sanction/fine of \$500.00 per violation and/or jail, against any harassment or interference by and between the parties, directly or indirectly. Plaintiff filed a motion for summary judgment prior to trial. Defendant filed a motion for injunctive relief prior to trial. The court instructed the parties, based upon the timing of the motions being filed, that both of those pre-trial motions would be taken up during the proceedings on the trial date. The case was then set for trial on all causes of action in the aforementioned pleadings.

### HISTORY

The property subject to this case is located in Greenville County, South Carolina, made up of two adjacent parcels owned by the Plaintiff at 113 Edwards Rd. Marietta, SC 29661 (TMS: 0522010100304) and 177 Edwards Rd. Marietta, SC 29661 (TMS: 0522010102301) containing a combined approximately 49.28 acres. There is a lengthy and very volatile history between the parties. Plaintiff operates an organization he calls Saluda Rest Natural Burials and Ministries (hereinafter "Saluda Rest") on both parcels. One of the activities conducted at Saluda Rest are services related to the burial of human remains and cremated remains by family members or other legally authorized representative of the deceased. The Defendant's husband was buried at one of the Saluda Rest properties in December of 2019. Since that time, Plaintiff and Defendant have had ongoing disputes between them regarding both time and manner for Defendant's access to the Plaintiff's property and Defendant's stated desire that Plaintiff's property should be open to the

public without any restriction or limitation to anyone with regard to access. The Magistrate Court's Order found that Plaintiff had opened his property to the public for use as a cemetery. See, Mag. Ct. Order signed 1/15/2020.

The dispute has resulted in a complicated set of facts and bitterness between the parties that is evident, and both parties believing they have been grievously wronged by the other and an inability to see any in between. Plaintiff in his complaint seeks a determination pursuant to the Order of Judge Southerlin brought in the form of a declaratory judgment action for declaratory relief, along with causes of action for breach of contract, abuse of process. Plaintiff seeks a declaration from the court that Plaintiff owns private property and that Plaintiff operates a private ministry, church, religious organization and/or a private natural preserve and burial ground. Plaintiff further seeks a declaration that that that there is no condition of entry, no matter how limited in time, manner, or otherwise restricted, that would allow the Defendant to enter the property for the purposes authorized by the statute without substantially and unreasonably interfering with the use, enjoyment, or economic value of the property by the owner or an occupant of the Plaintiff's private property and therefore Defendant should be denied any access to Plaintiff's property. Defendant brought counterclaims alleging abuse of process, harassment and intimidation, and exploitation by misrepresentation.

### FINDINGS

On October 13, 2020 a trial was conducted in this case. Present at trial, was the Plaintiff, Kenneth Curtis, along with counsel for the Plaintiff, Michael B. Dodd. The Defendant, Cynthia Glenn, appeared *pro se*. At the call of the case the court took brief remarks concerning a pre-trial motion for Summary Judgment by the Plaintiff and a pre-trial motion for Injunctive Relief by the Defendant. The court determined that these motions would be taken up after each side had

presented their case and testimony presented. Plaintiff presented evidence and testimony, including nine (9) witnesses. Defendant presented evidence and testimony from three (3) witnesses. After considering the numerous pieces of evidence and lengthy testimony from both the Plaintiff and the Defendant, a review of the record, as well as argument on the outstanding motions by both parties, the court finds as follows:

1. There are genuine triable issues of fact that exist. The Plaintiff's motion for summary judgment is denied.
2. Defendant did not present sufficient evidence regarding Defendant's motion for injunctive relief. Defendant has not filed any complaint or cause of action related to the motion for injunctive relief, so there is no underlying claim for which relief may be granted, nor has Defendant successfully shown or argued any element that would allow this court to grant an injunction. The Defendant's motion for injunctive relief is improper and is denied.
3. Defendant did present some evidence regarding Defendant's counterclaims for abuse of process, harassment and intimidation, and exploitation by misrepresentation. Defendant has not sufficiently proven any element of any of those alleged claims.
4. Plaintiff presented evidence and lengthy testimony from nine (9) witnesses, including the Plaintiff, that he owns 113 Edwards Rd. Marietta, SC 29661 (TMS: 0522010100304) and 177 Edwards Rd. Marietta, SC 29661 (TMS: 0522010102301) containing approximately 49.28 acres and together those parcels make up what Plaintiff refers to as Saluda Rest.
5. Plaintiff's testimony and testimony of witnesses along with evidence entered into the record has conclusively established that Plaintiff owns the property subject to this



action and that Plaintiff owns private property.

6. Testimony of Plaintiff, Defendant, and witness testimony, along with evidence entered into the record has conclusively established that Plaintiff buries human remains and cremated human remains on his property at the request of others. Whether such complies with applicable laws and regulations of any administrative agencies is beyond the jurisdiction of this court.
7. Defendant's husband is buried at Saluda Rest at 177 Edwards Road. Defendant and Plaintiff entered into an agreement made up of a form prepared by Plaintiff with a heading "Legal Representative" and other verbal agreements between the parties regarding Defendant's husband's remains and burial which formed the basis of a purported contract. The terms of the written contract are vague and, based on evidence from others who have entrusted their loved ones to Saluda Rest, there have been significant changes made in these written agreements over the years. Much of the current issues arise out of a lack of clarity in the original agreement between the parties.
8. Plaintiff did not prove sufficiently the elements of the contract or that breach of the contract by the Defendant occurred.
9. Both parties presented some amount of evidence and testimony regarding their claims for alleged abuse of process against each other.
10. Plaintiff presented evidence and testimony that Plaintiff operates a private ministry, church, and/or religious organization, that Plaintiff performs religious functions like baptisms, marriages, church services, prayer walks, and burials as a part of Plaintiff's ministry. Plaintiff's testimony indicated that Plaintiff buried Defendant's husband as a part of his ministry and church known as Saluda Rest. The court finds that whether

Plaintiff's operation known as Saluda Rest is a legally, administratively or ecumenically recognized church is beyond the jurisdiction of this court. Plaintiff argued that should the court not find that Saluda Rest was a church, and thereby exempt from any local, state, or federal requirements, then the court should find that Plaintiff's property is subject to South Carolina Code Section 27-43-10 and what followed, specifically South Carolina Code Section 27-43-310, "Access to Cemeteries on Private Property."

11. Defendant presented evidence and witness testimony that she and others had been allowed to access Plaintiff's property by vehicle and access her husband's burial site by vehicle, and that is was her expectation that she be allowed to do so for future visitation. Plaintiff's competing testimony indicated that it was his intention not to allow future vehicle access beyond a gate that Plaintiff testified was the entrance to Saluda Rest. Evidence and testimony indicated that there is a dirt path/roadway, that is filled with gravel in some places, traversable by vehicle, that would allow Defendant access to her husband's burial by vehicle. Defendant has previously used this path/roadway by vehicles to access her late-husband's grave site.
12. The court finds that Plaintiff has not done anything to open his property up to the general public and Plaintiff owns the private property. However, it is clearly in the best interests of all that there be some reasonable limitation on access to Saluda Rest.
13. Testimony indicated that there are many other burial sites, over 50 currently being on Saluda Rest, which could be affected if Plaintiff were required to open his property to the public, and that the operations of Saluda Rest would also be impacted in a negative way.

Having made the above findings, the question before the court then becomes, what relief, if any, is may be granted to the parties in this case?

### **LAW AND ANALYSIS**

“When a case is referred to a master [in equity], Rule 53(c) gives the master the power to conduct hearings in the same manner as the circuit court, unless the order of reference specifies or limits his powers.” *Deep Keell, LLC v. Atl. Private Equity Grp., LLC*, 413 S.C. 58, 75, 773 S.E.2d 607, 616 (Ct. App. 2015). “Once the case is referred to the master, he has subject matter jurisdiction to resolve the action to the extent the order of reference provides, and with the authority a circuit court judge would have in a similar matter.” *Wells Fargo Bank, NA v. Smith*, 398 S.C. 487, 730 S.E.2d 328 (Ct. App. 2012). In this case, the order of reference provides that this court is to “take testimony, make determinations of facts and conclusions of law, and to direct entry of final judgment in this action...and all matters arising from or reasonably related to such action.” Therefore, this court, in equity, may look at all the facts presented and related to the dispute between these parties, and the relief sought, and make conclusions of facts and direct an entry of final judgment as to these matters.

#### **A. Pre-Trial Motions**

The Plaintiff filed a motion for summary judgment. “To obtain summary judgment, the moving party must show that no genuine issue exists as to any material fact and that he is entitled to judgment as a matter of law. In determining whether triable issues of fact exist, all inferences from facts in the record must be viewed in the light most favorable to the party opposing the motion for summary judgment motion.” *Manning v. Quinn*, 294 S.C. 383, 385, 365 S.E.2d 24, 25 (1988). The court finds that there are genuine issues of fact and so must deny the Plaintiff’s motion for summary judgment.

As to Defendant's motion for injunctive relief, "An injunction is a drastic remedy issued by the court in its discretion to prevent irreparable harm suffered by the plaintiff." The plaintiff's complaint must allege facts sufficient to constitute a cause of action for injunction and demonstrate it is reasonably necessary to protect the rights of the plaintiff pending in the action." *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 50-51, 647 S.E.2d 505, 508-509 (Ct. App. 2009). Defendant seems to argue, in part, that Saluda Rest should be required to be managed by an independent management company. Because Defendant has not filed a complaint alleging a cause of action for injunction and has not demonstrated it is necessary to protect any of Defendant's legal rights, and because as a practical matter, the trial of this case has determined any relief that Defendant may have been entitled to in her motion for injunctive relief, the court denies her motion for injunctive relief finding either a lack of sufficient evidence or a lack of jurisdiction for the court to take such action.

#### **B. Defendant's Counterclaims**

Defendant has asserted counterclaims against the Plaintiff alleging abuse of process, harassment and intimidation, and exploitation by misrepresentation. While Defendant did present some evidence at trial related to any of these causes of action, such is insufficient. Plaintiff has denied all of the allegations related to Defendant's counterclaims. "It is incumbent upon a party to argue specifically what is complained of so that the trial court will have an opportunity to rule on the point." *Hendrix v. Eastern Distribution, Inc.*, 316 S.C. 34, 446 S.E.2d 440, 442 (Ct. App. 1994), *affirmed in result*, 320 S.C. 218, 464 S.E.2d 112 (1995). Here, because Plaintiff has denied all counterclaims by the Defendant, and Defendant has made no argument or presented any evidence or testimony in furtherance of proving the counterclaims, the court finds that Defendant has not proven any elements of her counterclaims nor has Defendant made any showing for relief that this court is able to provide.

### C. Plaintiff's Claims

Plaintiff alleged claims for breach of contract and for abuse of process. "To recover for a breach of contract the plaintiff must allege and prove, (1) a binding contract entered into by the parties, (2) breach or unjustifiable failure to perform the contract, and (3) damage suffered by the plaintiff as a direct and proximate result of the breach." *Fuller v. Eastern Fire & Casualty Insurance Co.*, 240 S.C. 75, 124 S.E.2d 602, 610 (1962). To recover for abuse of process a plaintiff must allege and prove "(1) ulterior purpose, and (2) willful act in the use of the process not proper in the regular conduct of the proceeding." *Huggins v. Winn-Dixie Greenville, Inc.*, 249 S.C. 206, 153 S.E.2d 693 (1967). Although testimony and evidence was presented to support both of those claims and causes of action, the court finds that Plaintiff did not prove that Defendant breached the contract nor that Defendant brought forth any legal proceeding with ulterior purpose or willful act in the use of the process that was not proper. Therefore, judgment must be entered against the Plaintiff on these causes of action.

Plaintiff additionally pled in his complaint and argued at trial, asking for a declaratory judgment pursuant to South Carolina Code Section 15-53-10 et seq. to satisfy the Magistrate Court order, but also seeking and additional determination that Saluda Rest is a church, and thereby exempt from any local, state, or federal requirements, or in the alternative, that the court should find that Plaintiff's property is subject to South Carolina Code Section 27-43-10 and what followed, specifically South Carolina Code Section 27-43-310, "Access to Cemeteries on Private Property" and should deny Defendant access to Plaintiff's property. South Carolina case law "has recognized that civil courts 'do have jurisdiction as to civil, contract[,] and property rights which are involved in a church controversy,' even though they have no jurisdiction of 'ecclesiastical questions and controversies.'" *Pearson v. Church of God*, 325 S.C. 45, 51, 478 S.E.2d 849, 852

(1996) (quoting *Bramlett v. Young*, 229 S.C. 519, 537-38, 93 S.E.2d 873, 882 (1956)). *Jenkins v. Refuge Temple Church of God in Christ, Inc.*, 424 S.C. 320, 818 S.E.2d 13 (S.C. App. 2018). Additionally, South Carolina courts have long held that “equitable jurisdiction lies only in civil cases. *Ezell v. Ritholz*, 188 S.C. 39, 198 S.E. 419, 422 (1938). And while expansive, a court of equity generally will not determine questions of religion or faith...” 27A Am. Jur. 2d Equity §37.

There is a question and controversy between these parties and declaratory judgement and or relief is proper. However, the Plaintiff asks this court to determine whether or not Saluda Rest is a church. That question is one that is an ecclesiastical question, one of religion and faith, and is a question beyond the jurisdiction of this court. The court makes no ruling on whether Saluda Rest is a church or not.

As to whether Saluda Rest is private property, Plaintiff has repeatedly asserted in pleadings, affidavits and in other documents submitted to this court that he owns private property. The Evidence and Testimony presented at trial conclusively show Plaintiff owns the property and that he has never opened the property to the public. South Carolina courts have spoken on the issue of private property and change in status such that a piece of property may become public. They are instructive. “Two elements are required to perfect dedication. First, the owner must express in a positive and unmistakable manner the intention to dedicate his property to public use. Second, there must be acceptance of such property by the public. *Helsel v. City of North Myrtle Beach*, 307 S.C. 24, 413 S.E.2d 821 (1992). Dedication is an exceptional manner of passing an interest in land and proof thereof must be strict, cogent, and convincing. *Mack v. Edens*, 320 S.C. 236, 464 S.E.2d 124 (Ct.App.1995).” *Tupper v. Dorchester County*, 326 S.C. 318, 487 S.E.2d 187 (S.C. 1997). No such proof of dedication has been presented either through evidence or testimony. No evidence to suggest that Plaintiff has ever dedicated his property for public use has been put forth

and therefore, Plaintiff's property is private.

Because Plaintiff's property is private and because Plaintiff has buried human remains and cremated human remains buried on his property, Plaintiff's property, referred to as Saluda Rest in these proceedings, is subject to the jurisdiction of this court of equity to pursuant to Rule 53 of the South Carolina Rules of Civil Procedure, the court may "grant relief, either legal or equitable, to which any of the parties show themselves entitled, in the subject matter of the controversy." *Bramlett v. Young*, 229 S.C. 519, 535, 93 S.E.2d 873, 881 (1956). Therefore, this court has jurisdiction to grant relief between the parties to this case as the court determines to be just and equitable.

### **RULING**

This court, sitting in equity, and having the authority to make a determination based in equity as to the dispute between the parties, and considering the relief sought, has concluded that what is supported by the evidence in the record and what is fair between the parties, rules as follows:

1. The Plaintiff owns the properties known as Saluda Rest.
2. The Plaintiff's property is private property. The Plaintiff's property is not open to the general public.
3. The court makes no ruling as to whether Plaintiff's operation called Saluda Rest is or is not a church, legally recognized cemetery, nature preserve or nonprofit entity.
4. The Defendant is entitled to access her husband's burial site with ingress and egress by vehicle through the gate at Saluda Rest at 177 Edwards Road, accompanied by up to three (3) persons. Defendant may visit any day between the hours of 8:00AM and 8:00PM. Defendant must provide the Plaintiff with notice by text message, email, or

in writing at least twenty-four (24) hours in advance of each planned visit to Saluda Rest.

5. Should there be a legitimate and objective reason (such as inclement weather, previously scheduled burial, etc) to not allow access, Plaintiff shall respond to any notice in the same manner as the request is made, with the same to be within 8 hours of the request and with a proposed alternative date and time for Defendant to visit, with said time to be no more than 48 hours later.
6. Should Defendant cause any damage to Plaintiff's property while visiting, Plaintiff shall within 72 hours, provide Defendant written notice (text, email, letter, etc.) and proof of the damage. Defendant shall undertake to repair the damage within fourteen (14) days of notice and at Defendant's cost.
7. Plaintiff shall not place any burial site within fifteen (15) feet on either side of the gravel path/roadway, which shall be designated as eight (8) feet wide beginning at the gate of Saluda Rest and ending at the burial site of Defendant's husband. There shall also be sufficient room for an average size vehicle to turn around in order to allow proper and safe ingress and egress. This order shall not affect the placement of burials already there or those planned by Plaintiff that may be within fifteen (15) feet on either side of the path from the gate of Saluda Rest to the burial site of Defendant's husband.
8. A permanent mutual restraining order is to remain in place prohibiting either party from harassing the other, and no contact with the exception of communication regarding visitation, punishable by fine of \$5,000.00 and/or jail time in the court's discretion.
9. This order shall supersede and overrule any previous orders or rulings related to these matters between the Plaintiff and Defendant that are addressed herein, specifically



related to summary court cases 2019CV2311101849 and 2019OR2311100028. The Circuit Court shall retain jurisdiction to hear any dispute related to this order, including enforcement.

10. The visitation provisions of this order allowing access to the burial site of Defendant's husband shall only apply to the Defendant and up to three (3) persons accompanying her.

**IT IS SO ORDERED.**

**ELECTRONIC SIGNATURE PAGE FOLLOWS**



**Greenville Common Pleas**

**Case Caption:** Kenneth Curtis vs. Cynthia Glenn

**Case Number:** 2020CP2300939

**Type:** Master/Order/Other

**And It Is So Ordered!**

**s/ Judge Charles B. Simmons, Jr. (3023)**

Electronically signed on 2020-10-29 15:33:51 page 14 of 14

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

**2019CV2311101849 & 2019OR2311100028**  
CASE NUMBER

Kenneth Curtis )  
Plaintiff, )

IN THE SUMMARY COURT

VS )

ORDER AMENDING AND  
SUPPLEMENTING THE  
NOVEMBER 22, 2019 AND  
DECEMBER 6, 2019 ORDERS

Cynthia Glenn )  
Defendant, )

A hearing was held on July 3, 2019. The Plaintiff was present with his attorney Michael B. Dodd. The Defendant was present pro se. An order was subsequently issued. Defendant filed a motion to amend said Order and a hearing was held on said Motion on January 2, 2020.

The Plaintiff filed a Complaint with this Court. The Plaintiff then filed an Amended Complaint with this Court on July 1, 2019. This Complaint and subsequent Amended Complaint were assigned Case Number 2019CV2311101849.

The Defendant filed a petition for a Restraining Order (Case Number 2019OR2311100028) against the Plaintiff on June 19, 2019.

These two cases are hereby consolidated for the purposes of this hearing.

I find that the Plaintiff is the owner of real property located at 113 Edwards Rd. Marietta, SC, 29661 and 177 Edwards Rd. Marietta, SC, 29661 in Greenville County.

I find that this case involved access to a cemetery located on said property as well as other civil disputes valued at less than \$7,500.00 therefore this Court has proper subject matter jurisdiction over the parties.

I find that the Defendant's husband is buried on Plaintiff's property.

I find that the Defendant is entitled to access to Plaintiff's property to visit husband's grave.

I find that a dispute exists between the Plaintiff and Defendant regarding the time and manner of Defendant's visitation of her husband's grave.

I find that the Plaintiff gave at least an implied consent to the Defendant that would allow her to visit her husband's grave.

As a result of this consent, Plaintiff's claim for Trespass and his request for a Restraining Order is hereby denied.

I find that the Defendant caused damage to the Plaintiff's property during a visit to her husband's grave. This damage occurred as a result of the Defendant driving on Plaintiff's property after a period of rain which caused Plaintiff's property to be muddy. I find no evidence that said damage was intentional, but rather it was incidental to her visit to her husband's grave; therefore, I award \$100.00 in damages to Plaintiff.

I find that the Plaintiff presented no evidence to support his claim for defamation, and no evidence was presented of any damages caused by the alleged defamation; therefore I find in favor of the Defendant on Plaintiff's claim for defamation.

I find that the Plaintiff dumped horse manure on the Defendant's husband's grave against the defendant's wishes. I further find that the Plaintiff voluntarily acknowledged to the Court that he would refrain from dumping horse manure on the Defendant's husband's grave in the future. Therefore, the Plaintiff is hereby enjoined from dumping horse manure on Defendant's husband's grave.

I find that the Plaintiff actively seeks additional bodies to be buried in his cemetery, having obtained bodies from county government as well as advertised his cemetery to the public

at large. I find that the Plaintiff has opened his property to the public for use as a cemetery. As a result, the Plaintiff owes a duty to the families of those buried in his cemetery to allow them to visit their family member's graves. Therefore, the Plaintiff shall set standard weekly visitation hours for which the Defendant may visit the graves on Plaintiff's property. Plaintiff's visitation hours shall be determined by the Plaintiff provided that the duration of the visitation should be at least six (6) consecutive hours. Visitation must begin no later than 11:00 A.M. and end no earlier than 4:00 P.M. The Defendant shall be allowed to access her husband's grave by vehicle, and the Defendant shall be allowed to take tools with her to care for and maintain the grave site.

The Plaintiff shall post his visitation schedule in a conspicuous place at the entrance to the cemetery and shall provide this court with a copy of the visitation schedule.

A dispute exists as to whether the Plaintiff's property is a cemetery. The determination of the Plaintiff's property as a cemetery is beyond the jurisdiction of this Court; therefore the Plaintiff is ordered to file an action with the Circuit Court to determine Plaintiff's status as a cemetery. If the Plaintiff fails to make such a filing with Circuit Court within 30 days of the date of this Order, the posted visitation schedule shall apply to all members of the public in addition to the Defendant.

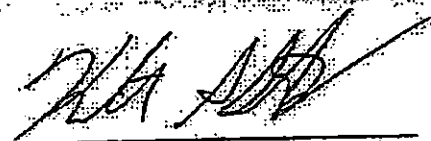
In response to Defendant's request that photographs be removed from all social media controlled by the Plaintiff, Plaintiff agreed to remove said photographs. Plaintiff shall not cause images of the Defendant or her family to be placed on any social media platform.

In regards to images of the Defendant's family placed on social media by a third-party, this Court does not have jurisdiction to order the removal of any such images.

I find that the Plaintiff's conduct does not indicate a pattern of behavior that would warrant a Restraining Order, therefore Defendant's request for a Restraining Order is hereby denied.

This Order vacates the Order entered in this case dated November 22, 2019. This Amended Order shall replace said Order and is executed to clarify an ambiguity in said prior Order.

AND IT IS SO ORDERED!



Judge Kenneth G. Southerlin, Jr.  
North Greenville Summary Court

January 15, 2020

## EXHIBIT

1

## Legal Representative

I hereby declare that I am the legal representative for the disposition of the remains of:

Mark Guinn

I am aware of no other person(s) that have any other claims to be Legal Representative for the purpose of this disposition.

4) I authorize Saluda Rest Natural Burials and Ministries to conduct the burial process of these remains in accordance with their policies and procedures.

5) Saluda Rest Burial Policies and Procedures have been explained to me and I accept them as explained to me without exceptions.

6) I agree to Hold Harmless, Saluda Rest Natural Burials and Ministries in All matters connected to the burial process of these remains.

7) I understand that Saluda Rest Natural Burials and Ministries assumes no liability for ANY issues, legal or personal, resulting from the performance of this burial process and hereby release them from any such liability.

Guinn, Mark

519 W. Circle Rd. Gray Court, SC 29645

all rights reserved

# Legal Representative

158

2019

I hereby declare that I am the legal representative for the dispensation of the remains of:

DAVID JORDAN

- 1) I am aware of no other person(s) that have any other claims to be Legal Representative for the purpose of this dispensation.
- 2) I am aware that Saluda Rest Properties are Private Property and \*NOT\* a public cemetery or perpetual care cemetery, and that burial at Saluda Rest in no way confers ownership of burial space, plots or rights to real estate at Saluda Rest properties.
- 3) I understand and consent that the remains of the person listed above, once buried at Saluda Rest, will become part of the properties of Saluda Rest Preserve.
- 4) I authorize Saluda Rest Natural Burials and Ministries to conduct the burial process of these remains in accordance with their policies and procedures.
- 5) Saluda Rest Burial Policies and Procedures have been fully explained to me and I accept them as explained to me without exceptions.
- 6) I agree to Hold Harmless, Saluda Rest Natural Burials and Ministries in ALL matters connected to the burial process of these remains.
- 7) I understand that Saluda Rest Natural Burials and Ministries assumes no liability for ANY issues, legal or personal, resulting from the performance of this burial process and hereby release them from any such liability.
- 8) I understand that Saluda Rest properties are exempt from the regulations of the South Carolina Cemetery Board because Saluda Rest is exempt as a Church, Non-Profit Cemetery, Family Cemetery and Nature Preserve. (SC code Section 40-8-200)

Kendy Leby

Signature

8/29/19

Date

Print Name Address and Phone Contact



Subpoenaed

2020

## Legal Representative

I hereby declare that I am the legal representative for the disposition of the remains of:

\_\_\_\_\_

1) I am aware of no other person(s) that have any other claims to be legal representative for the purpose of this dispensation.

2) I am aware that Saluda Rest Properties are Private Property and \*NOT\* a public cemetery or perpetual care cemetery, and that burial at Saluda Rest in no way confers ownership of burial space, plots or rights to real estate at Saluda Rest properties.

3) I understand and consent that the remains of the person listed above, once buried at Saluda Rest, will become part and parcel of the properties of Saluda Rest Properties.

4) I authorize Saluda Rest Natural Burials and Ministries to conduct the burial process of these remains in accordance with their policies and procedures.

5) Saluda Rest Burial Policies and Procedures have been fully explained to me and I accept them as explained to me without exceptions.

6) I agree to Hold Harmless and Immune from complaint, Saluda Rest Natural Burials and Ministries in ALL matters connected to the burial process of these remains.

7) I understand that Saluda Rest Natural Burials and Ministries assumes no liability for ANY issues, legal or personal, resulting from the performance of this burial process and hereby release them from any such liability.

8) I understand that Saluda Rest properties are exempt from the regulations of the South Carolina Cemetery Board because Saluda Rest is exempt as a Church, Non-Profit Cemetery, Family Cemetery and Nature Preserve. (SC code Section 40-9-200)

9) I understand and wish to acknowledge that any monies provided by me to Saluda Rest are NOT given to ANY WAY as an in-kind exchange for ANY... Service(s) or Product(s), or expectation of future benefit and nothing has been offered or promised me in exchange. I offer anything given to Saluda Rest as a Free Will offering to Saluda Rest in the hope of the propagation of Saluda Rest Church and its Ministry Mission.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Please Print: Name, Mailing Address, Drivers Lic. or LDT, and Phone Contact below

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

2019CV231110849  
CASE NUMBER

Kenneth E. Curtis

IN THE MAGISTRATE'S COURT

VS

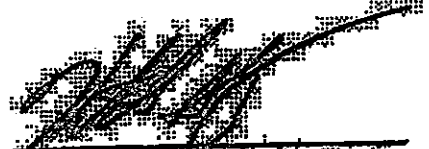
MOTION FOR EMERGENCY  
EX PARTE INJUNCTION

Cynthia J. Glenn

On August 13, 2020, the Defendant, Cynthia J. Glenn filed a Motion for Emergency Injunction with this Court. Defendant's Motion for Emergency Ex Parte Injunction indicates that the Plaintiff, Kenneth E. Curtis is in the process of digging a grave that will prevent Mrs. Glenn from accessing her husband's grave. Mr. Curtis is required to allow Mrs. Glenn access to her husband's grave by prior Order of this Court. Due to the nature of Mrs. Glenn's allegations of Mr. Curtis placing a grave in the driveway which would permanently interfere with her access, this Court hereby grants Defendant's Motion for Emergency Ex Parte Injunction.

Plaintiff is hereby enjoined from placing a grave in the driveway of the cemetery until such time as this issue may be heard by the Court. A hearing on this matter is hereby scheduled for Monday, August 17, 2020 at 10:30 AM.

AND SO IT IS ORDERED:

  
Judge Kenneth G. Seaborn, Jr.  
North Greenville Summary Court

August 13, 2020

# Saluda Rest

Preserve, Natural Burials & Ministries



Service with Dignity through

Stewardship

EXHIBIT  
3

To:

The Honorable Judge Charles B. Simmons Jr.

305 East North Street.

Suite: 313

Greenville, SC 29601

Dear Judge Simmons,

I have wanted for what seems a very long time to write this letter to you.

I understand the constraints that you are under regarding correspondence with litigants under your courts authority and the reasons for disallowing such contact.

Hopefully, enough time has now passed since the close of any consideration of my case by the court that nothing inappropriate is being done by my writing this letter to you now. If I am wrong please accept my most sincere apology and forgive my ignorance.

I feel deeply that you should know how thankful my family and I are for the careful and compassionate way that you handled the difficult issues before you in this case.

Often times with triviality, the phrase, "Solomon like" is used to describe decisions and judgments. However, my family fully understanding the scriptural reference, and with the monumental weight of the courts impact upon us, used exactly that phrasing many times in observation of your methods, empathy for your burden, and prayers for your judgments. We were not left wanting in our hopes that God would guide you.

You took the time to visit our family home and see for yourself the situational difficulties that court testimony alone could never convey. That visit alone is more than we can ever thank you for because regardless of the possible outcome of your final decision it meant to us that you did indeed want to be fully informed and cared enough to invest your time in our case.

113 Edwards Road, Marietta, SC 29661  
Rest@gmail.com

Phone (864) 884-9503

Email: Saluda

I do not wish to waste this opportunity to rehash the case but rather to let you know a little about how things have since turned out. My father Thomas Curtis passed away in May 2009, and his wife Lydia in April 2012. My nephew Brian Curtis was able to purchase the portion of land the court divided to my father from Lydia's estate, returning the entirety of the original land borders to our family and closing all matters between parties. Brian has since graduated from Cal Poly University with a degree in forest management. He hopes to return to South Carolina and build a home on his portion of this land. 9/21/20

The 37 acre parcel that the court awarded to me has been added to by the benevolent donation of an adjoining 13 acres to make a total of 50 acres and has become... **SALUDA REST, PRESERVE, NATURAL BURIALS & MINISTRIES.**

The process and experience of trial greatly enhanced an existent sense of stewardship that my wife Tracy and I have long held regarding this land. We now open Saluda Rest properties to all persons, groups and churches wishing to use our facilities for river baptisms, brush arbors, camping etc. We provide natural "pine box" style burial services as part of our ministry using these lands to produce the burial containers and for burial space. It has been our great joy to see and facilitate the baptism of well over 150 people here since Saluda Rest was dedicated. We have also had great gladness in Weddings, experienced beauty and commiseration in funerals, and enjoyed fantastic community support. We have the encouraging support of our family, friends and neighbors but the affirmations we have received from the Holy Spirit are truly our sustaining strength. If you desire, you can see some of what we do here at [Facebook.com/SaludaRest](https://www.facebook.com/SaludaRest).

It is rarely possible for man to see the purpose or outcome of God's plan in the workings of this world. And we rarely see or know the effect we have on those purposes. The most a good man can do is to do good and leave the effectual working to the Almighty. As a judge you surely see much of the worst in people. And surely you must work within an imperfect system to measure the best justice. I cannot know your personal struggles, but I can tell from your actions that you care about the weight of your decisions in people's lives. And, I can tell you with immeasurable understatement that the issues in this case weighed heavily on every member of my family. Saluda Rest Ministries would never have come about and been able to serve so many had you not been led by wisdom.

Please accept my and my family's most emphatic and heartfelt gratitude for your service, and for your careful attention to our case in your court. We would also like you to know that we continue to pray for you personally. That God may continue to bless you with knowledge, wisdom and understanding, and that He grant you His peace.

Sincerely,

Kenneth E. Curtis  
Saluda Rest Ministries  
113 Edwards Road  
Marietta, S.C 29661  
Phone (864) 884-9503  
Please visit us at [www.facebook.com/SaludaRest](https://www.facebook.com/SaludaRest)

113 Edwards Road, Marietta, SC 29661  
[Rest@gmail.com](mailto:Rest@gmail.com)

Phone (864) 884-9503

Email: Saluda

|                                                                                                                                                                                                                            |                       |                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------|
| PIN/Parcel Map #                                                                                                                                                                                                           |                       |                                    |
| 0522010103100                                                                                                                                                                                                              |                       |                                    |
|                                                                                                                                           | Owner Name            | CURTIS FAMILY TRUST                |
|                                                                                                                                                                                                                            | Additional Owner Name |                                    |
|                                                                                                                                                                                                                            | Care Of               | Brian & Samantha Curtis<br>Trustee |
|                                                                                                                                                                                                                            | Mailing Address       | 937 Moonlite Dr                    |
|                                                                                                                                                                                                                            | City                  | Santa Maria                        |
|                                                                                                                                                                                                                            | State                 | CA                                 |
|                                                                                                                                                                                                                            | Zip Code              | 93455                              |
|                                                                                                                                           |                       |                                    |
| Mobile Maps and Information                                                                                                             |                       |                                    |
| Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification. |                       |                                    |

| Acres  | Description | Location | Subdivision |
|--------|-------------|----------|-------------|
| 0.7689 | None        | Edwards  |             |

| Deed Book | Deed Page | Deed Date | Plat Book | Plat Page |
|-----------|-----------|-----------|-----------|-----------|
| 2604      | 717       | 9/24/2020 | 1368      | 64        |

| Bedrooms | Bathrooms | Half Baths | Square Feet |
|----------|-----------|------------|-------------|
| 0        | 0         | 0          | 0           |

| Land Use                 | Jurisdiction        | Homestead Code |
|--------------------------|---------------------|----------------|
| 9170 Agricultural/Vacant | County Jurisdiction | No             |

| Fair Market Value | Taxable Market Value | Sales Price | Total Rollback |
|-------------------|----------------------|-------------|----------------|
| \$65,400          | \$65,400             | \$0         | \$5,194.79     |

| Tax District | County Stormwater Fee | City Stormwater Fee | Taxes   | Taxes Paid Date |
|--------------|-----------------------|---------------------|---------|-----------------|
| 37           | \$22.80               | \$0                 | \$67.27 | 12/26/2019      |

| Tax Year | Owner Name                 | Taxable Market Value | Taxes    |
|----------|----------------------------|----------------------|----------|
| 2018     | Harris Heyward Clayton, II | \$2,420              | \$65.53  |
| 2017     | Harris Gerald D            | \$2,420              | \$109.11 |
| 2016     | Harris Gerald D            | \$2,420              | \$49.38  |
| 2015     | Harris Gerald D            | \$2,420              | \$49.38  |
| 2014     | Harris Gerald D            | \$2,420              | \$49.02  |
| 2013     | Harris Gerald D            | \$2,420              | \$48.53  |
| 2012     | Harris Gerald D            | \$2,420              | \$47.65  |
| 2011     | Harris Gerald D            | \$2,420              | \$47.04  |
| 2010     | Harris Gerald D            | \$2,420              | \$46.57  |
| 2009     | Harris Gerald D            | \$2,422              | \$46.48  |
| 2008     | Harris Gerald D            | \$2,422              | \$46.38  |
| 2007     | Harris Gerald D            | \$2,422              | \$45.36  |
| 2006     | Harris Gerald D            | \$2,422              | \$46.62  |
| 2005     | Harris Gerald D            | \$2,422              | \$45.77  |
| 2004     | Harris Gerald D            | \$2,422              | \$96.40  |
| 2003     | Harris Gerald D            | \$2,422              | \$45.09  |
| 2002     | Harris Gerald D            | \$2,422              | \$45.91  |
| 2001     | Harris Gerald D            | \$2,422              | \$22.40  |
| 2000     | Harris Gerald D            | \$2,055              | \$18.50  |
| 1999     | Harris Gerald D            | \$2,055              | \$18.17  |
| 1998     | Harris Gerald D            | \$2,055              | \$17.61  |

| Owner Name                 | Deed Book | Deed Page | Date of Last Sale | Last Sale Price |
|----------------------------|-----------|-----------|-------------------|-----------------|
| Harris Heyward Clayton, II | 2508      | 583       | 20170322          | \$0             |
| Harris Gerald D            | 963       | 145       | 19721215          | \$0             |

EXHIBIT

9/1/05

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Kenneth Curtis,

Plaintiff,

vs.

Thomas E. Curtis,

Defendant.

C.A. No. 03-CP-33-7335

ORDER

ENTERED COMPUTER

This action involves a son and father's deteriorating relationship that has resulted in this lawsuit.

Plaintiff (also hereinafter referred to as "Ken") instituted this action on November 20, 2003. The Defendant (also hereinafter referred to as "Tom") timely answered, counterclaimed, and instituted a Third-Party Complaint against Sarah Prichard, the sister of the Plaintiff and the

daughter of the Defendant. During pre-trial proceedings, the Third-Party Defendant was dismissed without prejudice and matters proceeded to trial on the Plaintiff's Second Amended Complaint, filed on February 7, 2004, and Defendant's Answer to Second Amended Complaint filed on April 5, 2004, containing numerous affirmative defenses and excluding the Third-party

Defendants previously dismissed without prejudice. The case took almost five (5) non-consecutive days to try.

#### PROCEDURAL HISTORY

There were many pre-trial proceedings, which culminated in the case being tried on the pleadings as referenced. Plaintiff's Second Amended Complaint contains eight causes of action, which had been whittled and refined by Defendant's previous unsuccessful motion to dismiss. After all testimony was received, the Court conducted post-trial conferences with the

C.A. No. 03-CP-33-7335/Rep 1/23



Upon his return to South Carolina, the Plaintiff noted that the property was very overgrown and mountainous. He lived in a camper on the property, while he worked at clearing the land, making it habitable, all while gainfully employed at his trade.

In approximately 1986, a survey was accomplished in order to determine the boundaries between the Defendant's property and that of an adjoining neighbor. Following the survey, it was discovered that the Plaintiff, using information that had been provided to him by his father, had inadvertently placed the septic system and other improvements on the neighbor's property. After negotiations with the neighbor, Mr. Johnson, the Ken, his father, and the Tom's now deceased wife, the Defendant and his wife purchased Mr. Johnson's tract of land in 1987, which consisted of approximately 40 acres. After buying this 40 acre tract, Plaintiff testified that his parents expressed a desire to return to South Carolina and asked him to construct a home for them. In exchange, he was to receive the home and the additional 40 acre tract when they died. Plaintiff testified that he had a good relationship with his parents over the years, but that nothing

was placed in writing, since they all trusted one another. In any event, Defendant and his wife, Martha, returned to South Carolina, in about 1987, living with friends in the immediate area for a few months, until the Plaintiff moved a trailer onto the 40 acre tract for them to live in.

The property became, for lack of better terminology, a family compound, was designated within the family as "TOMAR". The name TOMAR comes from the names of the Defendant,

ThOmas, and MARtha, his late wife. Testimony revealed that their collective intent and purpose was to establish TOMAR as a home place where the parties could be self-sustaining and live off the land, if need be. Ken testified that the property was not to be compromised, nor the subject of a mortgage. The water system was constructed so that no power was necessary for its operation. It utilizes a gravity feed system. They would use wood for heat, raise animals, and



As previously noted, the Defendant instituted an eviction proceeding against the Plaintiff. That action is currently stayed, pending this Court's ruling in this action. Incident to the eviction action, the Magistrate Judge required the Plaintiff herein to post a \$5,000.00 bond. Plaintiff filed a \$5,000.00 cash bond, which is currently being held in trust by Magistrate Judge Michael D. Stokes. I find that these funds should be returned to the Plaintiff, since he is the one who posted the bond.

Thus, within ten (10) days of receipt of this Order by Magistrate Judge Michael D. Stokes, he shall return the posted bond of \$5,000.00 to the Plaintiff.

The Court retains jurisdiction to issue the requisite deeds consistent with this order to effectuate its ruling.

The Court also considered all post-trial motions. As to those not specifically addressed herein, same are denied.

AND IT IS SO ORDERED.

Charles B. Simpson  
JUDGE

Date:

9/7/05

Greenville, South Carolina

EXHIBIT  
5

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

KENNETH CURTIS,

Plaintiff,

vs.

CYNTHIA GLENN,

Defendant

IN THE COURT OF COMMON PLEAS

Case No.: 2020CP2300939

RULE TO SHOW CAUSE

20 OCT 5 PM 2:22  
Paul W. Winkler, Clerk  
COC BUL 30

On July 7, 2020, the Honorable Charles B. Simmon, Jr. did issue a mutual restraining order in the above referenced case *"against any harassment or interference by and between the parties, directly or indirectly."*

On January 15, 2020, the Honorable Kenneth G. Southerlin, Jr. did issue an order, *"The Defendant shall be allowed to access her husband's grave by vehicle, and the Defendant shall be allowed to take tools with her to care for and maintain the grave site."*

On August 13, 2020 when Defendant went to visit the grave of her husband, she found that Curtis had dug a grave in the driveway at the entrance to the cemetery. The distance from the open grave to husband's grave is more than half a mile of steep terrain. There was no way for a vehicle to pass the open grave or to get the tools as allowed by court order.

That same day Judge Simmons issued an Emergency Ex Parte Injunction forbidding Curtis from interment of a body into the grave, but the grave currently remains open and blocks access to the cemetery.

A Rule to Show Cause Hearing was already scheduled for actions occurring prior to the August 13th incident and was held on September 4, 2020. Regarding the ruling, Judge Simmons stated "Mr. Curtis, I do believe that you are doing whatever you can to walk the line to

prevent Ms. Glenn from visiting. While I find that there's been non-compliance, given the coronavirus situation, I am not going to find that it's contemptible. But I am going to provide you a warning that you should provide some deference to Ms. Glenn in her attempts to visit...  
...The Court takes judicial notice that the trial in Master-in-Equity is October 13 at 9 am... I am going to maintain the injunction until the court of Common Pleas Master-in-Equity has had an opportunity to address all of these issues."

It is my belief that these actions by Curtis were meant as deliberate harassment of the Defendant.

**THEREFORE**, Petitioner prays for an order of the Court as follows:

1. Issue it's Rule to Show Cause and find the Respondent, Kenneth Curtis, in contempt of Court, and issue appropriate sanctions;
2. For an order of Contempt against Respondent;
5. For an order granting Petitioner such other and further relief as the Court deems fair, just and proper.

I REQUEST THAT THIS MATTER BE HEARD DURING THE SCHEDULED OCTOBER 13, 2020 HEARING.

 , this date: 1/21/21  
Cynthia Glenn, Pro Se Defendant/Petitioner  
864-350-2830  
[sandy@carolinawaterbirth.com](mailto:sandy@carolinawaterbirth.com)

**TO THE PLAINTIFF/RESPONDENT: KENNETH CURTIS**

Based upon the attached affidavit, it appears that you have not obeyed certain court Order(s).

**Therefore, IT IS ORDERED** that you appear before the THE COURT OF COMMON PLEAS (

/ / ), at \_\_\_\_:\_\_\_\_, ( a.m./ p.m.) At the hearing be prepared to show cause, if any, and

explain why the relief requested in the affidavit should not be granted and why you should not

be held in contempt of court for such disobedience.

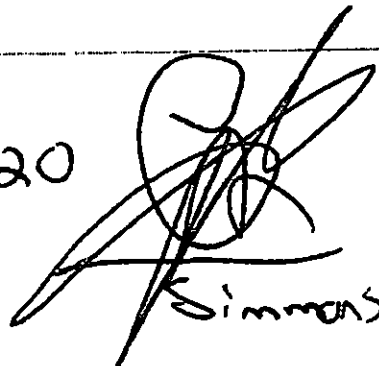
DATE: \_\_\_\_\_

\_\_\_\_\_  
Judge Charles B. Simmons, Jr

Greenville Common Pleas

Court defers ruling until  
heard during trial on the merits  
set for Tuesday October 13, 2020.

10/5/2020

  
Simmons

20 OCT 5 PM 2:23  
Paul Wickens@sc-judicial.org

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

KENNETH CURTIS,

Plaintiff,

vs.

CYNTHIA GLENN,

Defendant

IN THE COURT OF COMMON PLEAS

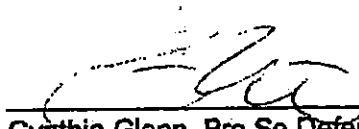
Case No.: 2020CP2300939

**RULE TO SHOW CAUSE**

I attest to sending RULE TO SHOW CAUSE via USPS postage paid to the plaintiff's attorney at

The Dodd Law Firm 13 Sevier Street Greenville, SC 29605, Greenville, SC 29605 on

9/29/20

  
Cynthia Glenn, Pro Se Defendant  
864-350-2830  
sandy@carolinawaterbirth.com

Dated this day 24 of Sept, 2020

EXHIBIT  
6



January 03, 2011 02:21:50 PM Book:DE 2382 Cons:\$0.00  
Rec:\$10.00 Cnty Tax:EXEMPT State Tax:EXEMPT

2011000328  
OCD  
5 PGS  
Page.4437-4441

172

FILED IN GREENVILLE COUNTY, SC

RETURN TO:  
DOBSON JONES & BALL  
1306 South Church Street  
Greenville, South Carolina 29605  
(864) 271-8171

# 177

(Title Not Examined)

[Space Above This Line For Recording Data]

|                         |   |                    |
|-------------------------|---|--------------------|
| STATE OF SOUTH CAROLINA | ) | QUIT-CLAIM DEED    |
|                         | ) | GRANTEE'S ADDRESS: |
| COUNTY OF GREENVILLE    | ) | 113 Edwards Road   |
|                         |   | Marietta, SC 29661 |

KNOW ALL MEN BY THESE PRESENTS, Robert C. Childs, Jr. (a/k/a Robert C. Chiles) and Sandra W. Crisp, hereinafter referred to as "Grantors" in the State and County aforesaid, in consideration of the sum of a charitable gift and other valuable consideration, to the Grantors in hand paid at and before the sealing of these presents by the Grantee, hereinafter named, the receipt of which is hereby acknowledged, has remised, released and forever quit-claimed, and by these presents does remise, release and forever quit-claim unto the following named Grantee, to-wit: Kenneth E. Curtis f/b/o Saluda Rest, its successors and assigns forever, in fee simple, the following described property:

ALL that piece, parcel or tract of land containing 12.1 acres, located in Saluda Township, in Greenville County, State of South Carolina, and designated as Tract 1 on a plat recorded in Book 11-G, page 100, prepared by Jeffery M. Plumblee as a survey for the land of Winston Cox, said plat being dated may 2, 1985, and recorded in the RMC Office for Greenville County on May 7, 1985.

For derivation of title, see deed from Winston J. Cox to Robert C. Chiles (Childs) and William Watts dated October 4, 1985, recorded in the RMC Office for Greenville County on October 7, 1985 in Deed Book 1250 at page 350 and deed of distribution from the Estate of William Maxwell Watts, dated February 26, 2003, recorded in the Register of Deeds Office for Greenville County on February 26, 2003, in Deed Book 2028 at page 687.

TAX MAP # 0522.01-01-023.01

This conveyance is made subject to all easements, conditions, covenants, restrictions and rights of way which are a matter of public record or that actually exist upon the subject property as would be discovered upon visual inspection of the property or otherwise.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in any wise incident or appertaining; TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee, its successors and assigns forever.

WITNESS the execution hereof this 30<sup>th</sup> day of December, 2010.

Signed, Sealed and Delivered  
In the Presence of

Crystal Hayes  
1st Witness

[Signature]  
2nd Witness

Robert C. Childs, JR. (SEAL)  
Robert C. Childs, JR. P.E.  
(a/k/a Robert C. Childs)

Crystal Hayes  
1st Witness

[Signature]  
2nd Witness

Sandra W. Crisp (SEAL)  
Sandra W. Crisp

**SECTION 27-43-310.** Cemeteries on private property; persons entitled to access; purposes; notice; institution of proceedings in magistrate's court; immunity from civil liability.

(A) An owner of private property on which a cemetery, burial ground, or grave is located must allow ingress and egress to the cemetery, burial ground, or grave as provided in this section by any of the following persons:

(1) family members and descendants of deceased persons buried on the private property or an agent who has the written permission of family members or descendants;

(2) a cemetery plot owner;

(3) persons lawfully participating in a burial; or

(4) a person engaging in genealogy research who has received the written permission of:

a) family members or descendants of deceased persons buried on the private property; or

(b) the owner of record, an agent of the owner of record, or an occupant of the private property acting on behalf and with permission of the owner of record.

(B) The ingress and egress granted to persons specified in subsection (A) must be exercised as provided in this section and is limited to the purposes of:

(1) visiting graves;

(2) maintaining the gravesite or cemetery;

(3) lawfully burying a deceased person in a cemetery or burial plot by those granted rights of burial to that plot; or

(4) conducting genealogy research.

(C)(1) In order to exercise the ingress and egress provided in subsection (A), a person authorized by subsection (A) must give written notice to the owner of record, an agent of the owner of record, or an occupant of the private property acting on behalf of and with permission of the owner of record that:



(a) he or the person for whom he requests ingress and egress meets the statutory requirements provided in subsection (A); and

175

(b) he requests a written proposal designating reasonable conditions for the exercise of ingress and egress as provided in subsection (B).

(2) Within thirty days after receipt of the written notice to exercise the ingress and egress, the owner of record, an agent of the owner of record, or an occupant of the private property acting on behalf and with permission of the owner of record must respond with a written proposal designating reasonable conditions for ingress and egress, including, but not limited to, routes to be used for access, duration of access, and time restrictions for access.

(3) The exercise of ingress and egress on the property by persons authorized in subsection (A) for the purposes specified in subsection (B) must be exercised as reasonably restricted in time and manner by the owner of record, an agent of the owner of record, or an occupant of the private property acting on behalf and with permission of the owner of record. The exercise of ingress and egress must not substantially and unreasonably interfere with the use, enjoyment, or economic value of the property by the owner or an occupant of the private property.

(4) If, thirty days after receipt of the written notice to exercise ingress and egress on the private property, written notice of reasonable conditions for the exercise of the ingress and egress as provided in subsection (B) have not been proposed or accepted, a person authorized by subsection (A) or the owner of record, an agent of the owner of record, or an occupant of the private property acting on behalf and with permission of the owner may institute a proceeding in the magistrates court of the county in which the ~~scemetery~~, burial ground, or grave is located. In granting relief to either party, the magistrate may set the frequency, hours, duration, or other conditions of the ingress and egress.

(5) A magistrate may deny the exercise of ingress and egress as provided in this section if:

(a) the person seeking to exercise the ingress and egress is not authorized by subsection (A); or

(b) the magistrate is presented with credible evidence that the person authorized by subsection (A) is involved in an imminent or actual violation of state or local law while upon, or entering, or exiting the private property; or

(c) the magistrate makes a finding, based upon a showing of credible evidence, that there is no condition of entry, no matter how limited in time, manner, or otherwise restricted, that would allow the person authorized by subsection (A) to enter the

private property for the purposes authorized by subsection (B) without substantially and unreasonably interfering with the use, enjoyment, or economic value of the property by the owner or an occupant of the private property. 176

(C) The provisions of this subsection do not authorize a magistrate to make determinations concerning the title of the property or establish an easement across the property.

(D) In the absence of intentional or wilful misconduct, or intentional, wilful, or malicious failure to guard or warn against a dangerous condition, use, structure, or activity, the owner of record, an agent of the owner of record, or an occupant of the private property acting on behalf and with permission of the owner of record is immune from liability in any civil suit, claim, action, or cause of action arising out of the access granted pursuant to this section.

(E)(1) A person exercising ingress or egress to a ~~scemetery~~, burial ground, or grave under the provisions of this section is responsible for conducting himself in a manner that does not damage the private property or the ~~scemetery~~, burial ground, or grave, and is liable to the owner of record for any damage caused as a result of the ingress or egress.

(2) The ingress or egress to a ~~scemetery~~, burial ground, or grave on private property conferred by this section does not include the authority to operate motor vehicles on the private property unless a road or adequate right-of-way exists that permits access by motor vehicles and the person authorized to exercise ingress and egress by subsection (A) has been given written permission to use motor vehicles on the road or right-of-way.

(F)(1) The provisions of this section do not apply to any deed or other written instrument executed prior to the effective date of this section which creates or reserves a ~~scemetery~~, burial ground, or grave on private property, and which specifically sets forth terms of ingress and egress.

(2) The provisions of this section in no way abrogate, affect, or encumber the title to the landowner's private property and are exercisable only for a particular private property that is subject to the provisions of this section.

HISTORY: 2007 Act No. 113, § 1, eff June 27, 2007.

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

Kenneth Curtis,  
Plaintiff

Cynthia Glenn,  
Defendant

|               |                                                                                      |
|---------------|--------------------------------------------------------------------------------------|
| Submitted by: | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
|               | or<br><input type="checkbox"/> Self-Represented Litigant                             |

**DISPOSITION TYPE (CHECK ONE)**

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

**ORDER INFORMATION**

This matter was before the court on July 7, 2020 relative to Defendant's Motion to Dismiss.

Based upon the evidence presented, the court rules that any issues that occurred between the parties prior to January 15, 2020 (the date of Judge Sutherlin's Order) may not be re-litigated in this court.

Further, the court imposed a mutual restraining order, punishable by a minimum sanction/fine of \$500.00 per violation and/or jail, against any harassment or interference by and between the parties, directly or indirectly.

The case, by agreement, shall be set for trial after 45 days of discovery.

**IT IS SO ORDERED.**

| INFORMATION FOR THE JUDGMENT INDEX                                                                                                                                                                           |                                          |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below. |                                          |                                                          |
| Judgment in Favor of<br>(List name(s) below)                                                                                                                                                                 | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|                                                                                                                                                                                                              |                                          | \$                                                       |
|                                                                                                                                                                                                              |                                          | \$                                                       |
|                                                                                                                                                                                                              |                                          | \$                                                       |

EXHIBIT  
9

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

2019CV231110849  
CASE NUMBER

Kenneth E. Curtis )

IN THE MAGISTRATE'S COURT

VS )

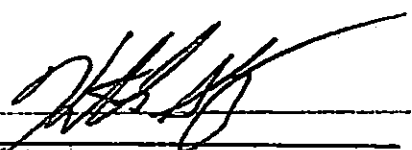
MOTION FOR EMERGENCY  
EX PARTE INJUNCTION

Cynthia J. Glenn )

On August 13, 2020, the Defendant, Cynthia J. Glenn filed a Motion for Emergency Injunction with this Court. Defendant's Motion for Emergency Ex Parte Injunction indicates that the Plaintiff, Kenneth E. Curtis is in the process of digging a grave that will prevent Mrs. Glenn from accessing her husband's grave. Mr. Curtis is required to allow Mrs. Glenn access to her husband's grave by prior Order of this Court. Due to the nature of Mrs. Glenn's allegations of Mr. Curtis placing a grave in the driveway which would permanently interfere with her access, this Court hereby grants Defendant's Motion for Emergency Ex Parte Injunction.

Plaintiff is hereby enjoined from placing a grave in the driveway of the cemetery until such time as this issue may be heard by the Court. A hearing on this matter is hereby scheduled for Monday, August 17, 2020 at 10:30 AM.

AND SO IT IS ORDERED!

  
\_\_\_\_\_  
Judge Kenneth G. Southerlin, Jr.  
North Greenville Summary Court

August 13, 2020

# Greenville County Common Pleas

179

Clerk : Paul B. Wickensimer Greenville County Clerk Of Court  
305 East North Street  
Greenville, SC 29601-2120  
Phone:(864) 467-8551

Received From: Dodd, Michael Bland  
13 Sevier Street  
Greenville, SC 29605

Date: 11/9/2020  
Receipt #: 395495  
Clerk: WilliamsG

Paying for: Glenn, Cynthia

Transaction Type: Payment

Reference #:

Payment Type: Credit Card \$50.00

Comment:

Convenience Fee \$0.85

Non-Refundable

SC.gov Portal Fee \$1.00

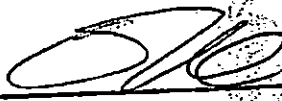
Total Paid: \$51.85

You may check the status of your Greenville case at:

<http://www.sccourts.org/caseSearch/>

| Case #        | Caption                          | Previous Balance | Amount Paid | Balance Due |
|---------------|----------------------------------|------------------|-------------|-------------|
| 2020CP2300939 | Kenneth Curtis vs. Cynthia Glenn | \$50.00          | \$50.00     | \$0.00      |
| MOTION        | Motion/Order Filing Fee \$25     | \$25.00          | \$25.00     | \$0.00      |
| MOTION        | Motion/Order Filing Fee \$25     | \$25.00          | \$25.00     | \$0.00      |

I AUTHORIZE THIS TRANSACTION AND  
AGREE TO PAY THE ABOVE TOTAL AMOUNT  
PLUS PROCESSING FEES ACCORDING TO  
THE CARD ISSUER AGREEMENT

X 

Total Cases: 1

\$50.00 \$50.00 \$0.00  
Convenience Fee: \$0.85  
SC.gov Portal Fee: \$1.00  
Total Paid: \$51.85

 **Mailing labels**

 **Table view** **Clear**

## la Rest ARDS



Zoom to

ity Info Property Report

**Card   Estimated Taxes**

### arch Ownership History.

**Event History** **Map Links**

## Photos

**Map #** 0522010100304

Saluda Rest

## Time 2

113 Edwards Rd

## Marietta

SC

29661

f

**Curtis Kenneth**

e 12/31/2012

ok 2417

1535

1056

53

371

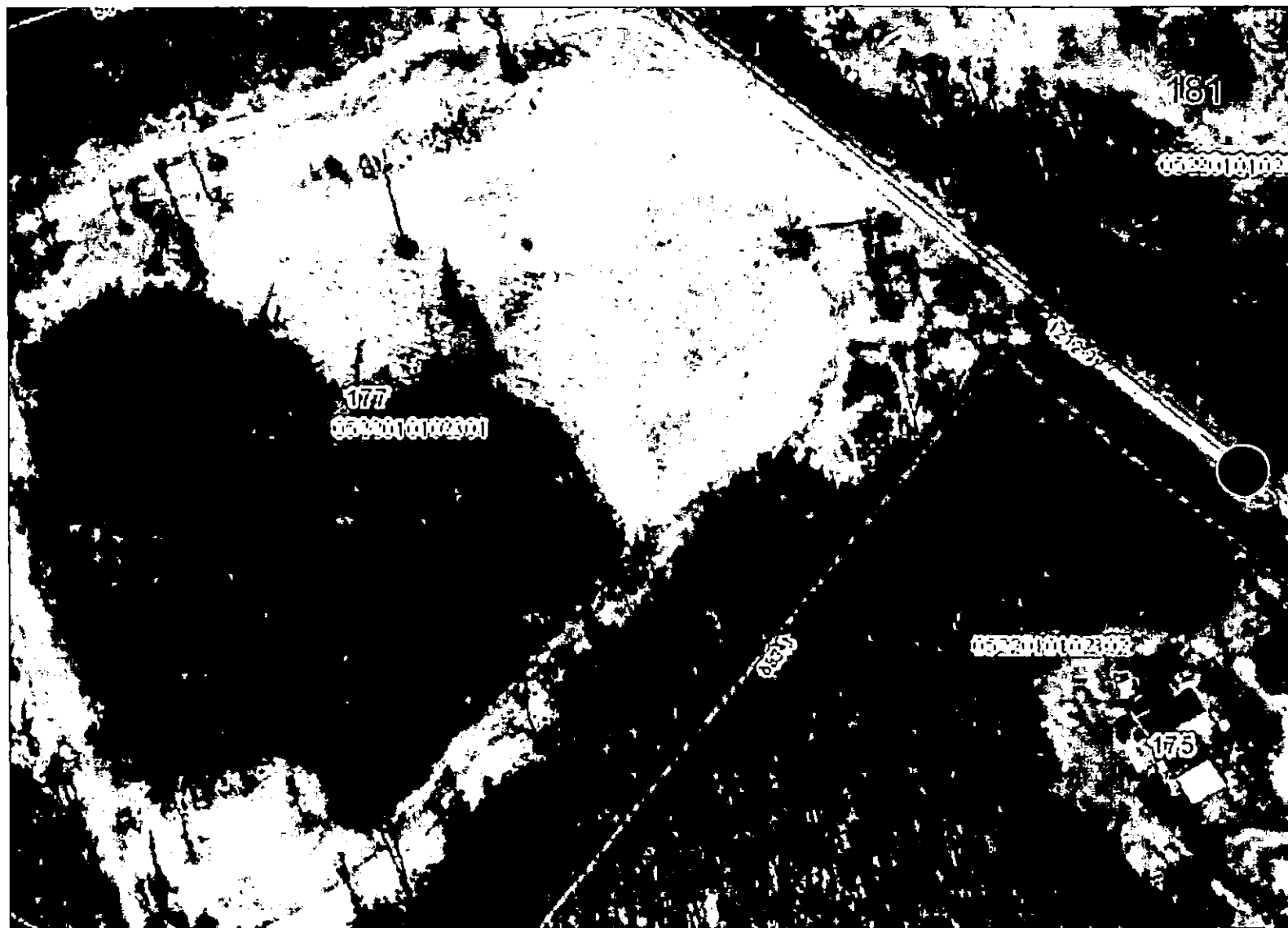
rea 002073

on 5

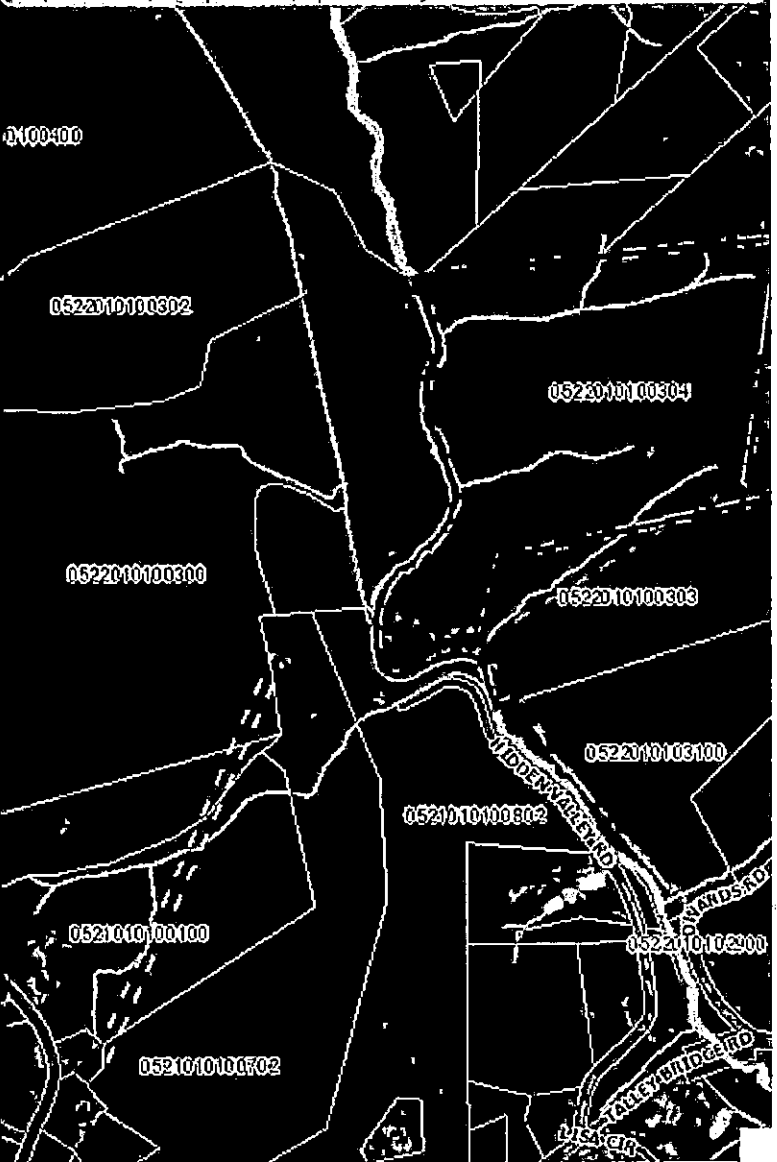
1171

46 NONE





|                                                                |                                  |                                        |                                |
|----------------------------------------------------------------|----------------------------------|----------------------------------------|--------------------------------|
| <input type="checkbox"/> Identify                              | <input type="checkbox"/> Details | <input type="checkbox"/> Map           | <input type="checkbox"/>       |
| <b>Saluda Rest<br/>EDWARDS</b>                                 |                                  | <input type="button" value="Zoom to"/> |                                |
| <a href="#">Community Info</a> <a href="#">Property Report</a> |                                  | <a href="#">Map Themes</a>             | <a href="#">Identify</a>       |
| <a href="#">Property Card</a> <a href="#">Estimated Taxes</a>  |                                  | <a href="#">Draw</a>                   | <a href="#">Street View</a>    |
| <a href="#">Sales Search</a> <a href="#">Ownership History</a> |                                  | <a href="#">Print</a>                  | <a href="#">Community Info</a> |
| <a href="#">Assessment History</a> <a href="#">Map Links</a>   |                                  |                                        |                                |
| <a href="#">Oblique Photos</a>                                 |                                  |                                        |                                |
| PIN / Tax Map # 0522010100304                                  |                                  |                                        |                                |
| Owner Name Saluda Rest                                         |                                  |                                        |                                |
| Owner Name 2                                                   |                                  |                                        |                                |
| Mailing Address 113 Edwards Rd                                 |                                  |                                        |                                |
| City Marietta                                                  |                                  |                                        |                                |
| State SC                                                       |                                  |                                        |                                |
| Zip Code 29661                                                 |                                  |                                        |                                |
| In Care Of                                                     |                                  |                                        |                                |
| Previous Owner Curtis Kenneth                                  |                                  |                                        |                                |
| Deed Date 12/31/2012                                           |                                  |                                        |                                |
| Deed Book 2417                                                 |                                  |                                        |                                |
| Deed Page 1535                                                 |                                  |                                        |                                |
| Plat Book 1056                                                 |                                  |                                        |                                |





Greenville  
Maps

Identify

Street View

Community Info

Map Themes

Draw

Print

100 200

0522010100304

0522010100308

0522010102400

0521010100302

0522010102100

EDWARDS RD

VALLEY BRIDGE RD

1010100702

| Identify                           |  | Details                           |  | Map                        |  |
|------------------------------------|--|-----------------------------------|--|----------------------------|--|
| <b>Saluda Rest</b>                 |  | <b>EDWARDS</b>                    |  | <b>Zoom to</b>             |  |
| <a href="#">Community Info</a>     |  | <a href="#">Property Report</a>   |  | <a href="#">Map Themes</a> |  |
| <a href="#">Property Card</a>      |  | <a href="#">Estimated Taxes</a>   |  | <a href="#">Draw</a>       |  |
| <a href="#">Sales Search</a>       |  | <a href="#">Ownership History</a> |  | <a href="#">Print</a>      |  |
| <a href="#">Assessment History</a> |  | <a href="#">Map Links</a>         |  |                            |  |
| <a href="#">Oblique Photos</a>     |  |                                   |  |                            |  |
| <b>PIN / Tax Map #</b>             |  | <b>0522010102301</b>              |  |                            |  |
| <b>Owner Name</b>                  |  | <b>Saluda Rest</b>                |  |                            |  |
| <b>Owner Name 2</b>                |  |                                   |  |                            |  |
| <b>Mailing Address</b>             |  | <b>113 Edwards Rd</b>             |  |                            |  |
| <b>City</b>                        |  | <b>Marietta</b>                   |  |                            |  |
| <b>State</b>                       |  | <b>SC</b>                         |  |                            |  |
| <b>Zip Code</b>                    |  | <b>29661</b>                      |  |                            |  |
| <b>In Care Of</b>                  |  | <b>Kenneth E Curtis Fbo</b>       |  |                            |  |
| <b>Previous Owner</b>              |  | <b>Chiles Robert C</b>            |  |                            |  |
| <b>Deed Date</b>                   |  | <b>1/5/2011</b>                   |  |                            |  |
| <b>Deed Book</b>                   |  | <b>2382</b>                       |  |                            |  |
| <b>Deed Page</b>                   |  | <b>4437</b>                       |  |                            |  |
| <b>Plat Book</b>                   |  | <b>11-G</b>                       |  |                            |  |





2011000920

OCD  
5 PGS

185

January 05, 2011 02 21:50 PM Book:DE 2382 Page.4437-4441  
Rec:\$10.00 Cnty Tax:EXEMPT Cons:\$0.00 State Tax:EXEMPT

FILED IN GREENVILLE COUNTY, SC

# 177

RETURN TO:  
 DOBSON JONES & BALL  
 1306 South Church Street  
 Greenville, South Carolina 29605  
 (864) 271-8171

(Title Not Examined)

[Space Above This Line For Recording Data]

|                         |   |                    |
|-------------------------|---|--------------------|
| STATE OF SOUTH CAROLINA | ) | QUIT-CLAIM DEED    |
|                         | ) | GRANTEE'S ADDRESS: |
| COUNTY OF GREENVILLE    | ) | 113 Edwards Road   |
|                         |   | Marietta, SC 29661 |

KNOW ALL MEN BY THESE PRESENTS, Robert C. Childs, Jr. (a/k/a Robert C. Chiles) and Sandra W. Crisp, hereinafter referred to as "Grantors" in the State and County aforesaid, in consideration of the sum of a charitable gift and other valuable consideration, to the Grantors in hand paid at and before the sealing of these presents by the Grantee, hereinafter named, the receipt of which is hereby acknowledged, has remised, released and forever quit-claimed, and by these presents does remise, release and forever quit-claim unto the following named Grantee, to-wit: Kenneth E. Curtis f/b/o Saluda Rest, its successors and assigns forever, in fee simple, the following described property:

ALL that piece, parcel or tract of land containing 12.1 acres, located in Saluda Township, in Greenville County, State of South Carolina, and designated as Tract 1 on a plat recorded in Book 11-G, page 100, prepared by Jeffery M. Plumblee as a survey for the land of Winston Cox, said plat being dated may 2, 1985, and recorded in the RMC Office for Greenville County on May 7, 1985.

For derivation of title, see deed from Winston J. Cox to Robert C. Chiles (Childs) and William Watts dated October 4, 1985, recorded in the RMC Office for Greenville County on October 7, 1985 in Deed Book 1250 at page 350 and deed of distribution from the Estate of William Maxwell Watts, dated February 26, 2003, recorded in the Register of Deeds Office for Greenville County on February 26, 2003, in Deed Book 2028 at page 687.

TAX MAP # 0522.01-01-023.01

This conveyance is made subject to all easements, conditions, covenants, restrictions and rights of way which are a matter of public record or that actually exist upon the subject property as would be discovered upon visual inspection of the property or otherwise.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in any wise incident or appertaining; TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee, its successors and assigns forever.

WITNESS the execution hereof this 30<sup>th</sup> day of December, 2010.

Signed, Sealed and Delivered  
in the Presence of

Crystal Hayes  
1st Witness

[Signature]  
2nd Witness

Robert C. Childs, JR. R.E. (SEAL)  
Robert C. Childs, JR. R.E.  
(a/k/a Robert C. Chiles)

Crystal Hayes  
1st Witness

[Signature]  
2nd Witness

Sandra W. Crisp (SEAL)  
Sandra W. Crisp

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

PROBATE

PERSONALLY appeared before me the undersigned and made oath that she saw the within-named Grantor, Robert C. Childs (a/k/a Robert C. Chiles) sign, seal, and, as his act and deed, deliver the within-written Deed for the uses and purposes therein mentioned, and that she, with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this 30<sup>th</sup>  
day of December, 2010.

[Signature]  
Notary Public for South Carolina  
My Commission Expires: 5-12-13

[Signature]  
1st or 2nd Witness

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

PROBATE

PERSONALLY appeared before me the undersigned and made oath that she saw the within-named Grantor, Sandra W. Crisp, sign, seal, and, as his act and deed, deliver the within-written Deed for the uses and purposes therein mentioned, and that she, with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this 30<sup>th</sup>  
day of December, 2010.

[Signature]  
Notary Public for South Carolina  
My Commission Expires: 5-12-13

[Signature]  
1st or 2nd Witness

## COUNTY OF GREENVILLE

## AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property was transferred by Robert C. Childs (a/k/a Robert C. Chiles) and Sandra W. Crisp to Kenneth E. Curtis f/b/o Saluda Rest.

3. Check one of the following: The deed is

(A) \_\_\_\_\_ SUBJECT to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth in the amount of \_\_\_\_\_

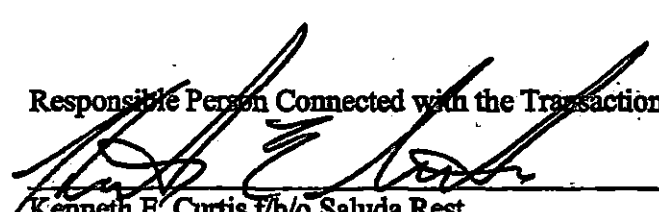
(B) \_\_\_\_\_ SUBJECT to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary. The fee is computed on the fair market value of the realty which is \_\_\_\_\_

(C) \_\_\_\_ (1) \_\_\_\_ EXEMPT from the deed recording fee because (See Exemptions on back)  
Transferring to Partnership

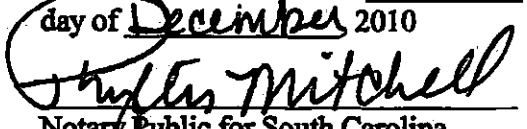
4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantee

5. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both,

Responsible Person Connected with the Transaction

  
Kenneth E. Curtis f/b/o Saluda Rest

SWORN to before me this 30th  
day of December 2010

  
Notary Public for South Carolina

My Commission Expires: 5-12-13

Except as provided in this paragraph, the term value means the consideration paid or to be paid in money or money's worth for the realty. Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, value means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

**Exempted from the fee are deeds:**

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-4-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or Trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A family partnership is a partnership whose partners are all members of the same family. A family trust is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include Charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A charitable entity means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and,
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deeds.

FILED FOR RECORD IN GREENVILLE COUNTY, SC ROD.  
 2011000920 Book: DE 2382 Page: 4437-4441  
 January 05, 2011 02:21:50 PM

*Timothy J. Hanney*

Land Use Classifications

|      |                                              |
|------|----------------------------------------------|
| 1100 | Residential Single Family                    |
| 1101 | Residential Single Family with Auxiliary Use |
| 1170 | Residential Mobile Home with Land            |
| 1171 | Residential Mobile Home on Mobile Home File  |
| 1180 | Residential Vacant                           |
| 1181 | Homeowners Association Property              |
| 1182 | Common Area                                  |
| 6800 | Commercial Vacant                            |
| 9170 | Agricultural Vacant                          |
| 9171 | Agricultural Improved                        |
| 110  | Duplex                                       |
| 112  | Multiplex                                    |
| 113  | Group House Converted                        |
| 120  | Apartment - Conventional (C, D)              |
| 120  | Apartment - High Rise (A, B)                 |
| 122  | Apartment - Subsidized                       |

# 77



# Saluda Rest

Preserve, Natural Burials & Ministries

Service with Dignity through

Stewardship

EXHIBIT  
3

To:

The Honorable Judge Charles B. Simmons Jr.

305 East North Street

Suite: 313

Greenville, SC 29601

Dear Judge Simmons,

I have wanted for what seems a very long time to write this letter to you. I understand the constraints that you are under regarding correspondence with litigants under your courts authority and the reasons for disallowing such contact.

Hopefully, enough time has now passed since the close of any consideration of my case by the court that nothing inappropriate is being done by my writing this letter to you now. If I am wrong please accept my most sincere apology and forgive my ignorance.

I feel deeply that you should know how thankful my family and I are for the careful and compassionate way that you handled the difficult issues before you in this case.

Often times with triviality, the phrase, "Solomon like" is used to describe decisions and judgments. However, my family fully understanding the scriptural reference, and with the monumental weight of the courts impact upon us, used exactly that phrasing many times in observation of your methods, empathy for your burden, and prayers for your judgments. We were not left wanting in our hopes that God would guide you.

You took the time to visit our family home and see for yourself the situational difficulties that court testimony alone could never convey. That visit alone is more than we can ever thank you for because regardless of the possible outcome of your final decision it meant to us that you did indeed want to be fully informed and cared enough to invest your time in our case.

113 Edwards Road, Marietta, SC 29661  
Rest@gmail.com

Phone (864) 884-9503

Email: Saluda

I do not wish to waste this opportunity to rebash the case but rather to let you know a little about how things have since turned out. My father Thomas Curtis passed away in May 2009, and his wife Lydia in April 2012. My nephew Brian Curtis was able to purchase the portion of land the court divided to my father from Lydia's estate, returning the entirety of the original land borders to our family and closing all matters between parties. Brian has since graduated from Cal Poly University with a degree in forest management. He hopes to return to South Carolina and build a home on his portion of this land. ← 9/21/20

The 37 acre parcel that the court awarded to me has been added to by the benevolent donation of an adjoining 13 acres to make a total of 50 acres and has become... **SALUDA REST, PRESERVE, NATURAL BURIALS & MINISTRIES.** The process and experience of trial greatly enhanced an existent sense of stewardship that my wife Tracy and I have long held regarding this land. We now open Saluda Rest properties to all persons, groups and churches wishing to use our facilities for river baptisms, brush arbors, camping etc. We provide natural "pine box" style burial services as part of our ministry using these lands to produce the burial containers and for burial space. It has been our great joy to see and facilitate the baptism of well over 150 people here since Saluda Rest was dedicated. We have also had great gladness in Weddings, experienced beauty and communion in funerals, and enjoyed fantastic community support. We have the encouraging support of our family, friends and neighbors but the affirmations we have received from the Holy Spirit are truly our sustaining strength. If you desire, you can see some of what we do here at [Facebook.com/SaludaRest](https://www.facebook.com/SaludaRest).

It is rarely possible for men to see the purpose or outcome of God's plan in the workings of this world. And we rarely see or know the effect we have on those purposes. The most a good man can do is to do good and leave the effectual working to the Almighty. As a judge you surely see much of the worst in people. And surely you must work within an imperfect system to measure the best justice. I cannot know your personal struggles, but I can tell from your actions that you care about the weight of your decisions in people's lives. And, I can tell you with immeasurable understatement that the issues in this case weighed heavily on every member of my family. Saluda Rest Ministries would never have come about and been able to serve so many had you not been led by wisdom.

Please accept my and my family's most emphatic and heartfelt gratitude for your service, and for your careful attention to our case in your court. We would also like you to know that we continue to pray for you personally. That God may continue to bless you with knowledge, wisdom and understanding, and that He grant you His peace.

Sincerely,

Kenneth E. Curtis  
Saluda Rest Ministries  
113 Edwards Road  
Marietta, S.C 29661  
Phone (864) 884-9503  
Please visit us at [www.facebook.com/SaludaRest](https://www.facebook.com/SaludaRest)

113 Edwards Road, Marietta, SC 29661  
[Rest@gmail.com](mailto:Rest@gmail.com)

Phone (864) 884-8503

Email: [SaludaRest@gmail.com](mailto:SaludaRest@gmail.com)

|                         |   |                                |
|-------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA | ) |                                |
|                         | ) | IN THE COURT OF COMMON PLEAS   |
| COUNTY OF GREENVILLE    | ) | 2020-CP-23-00939               |
| <br>Kenneth Curtis,     | ) |                                |
|                         | ) |                                |
| Plaintiff,              | ) |                                |
|                         | ) |                                |
| vs.                     | ) |                                |
|                         | ) | <b>TRANSCRIPT OF TESTIMONY</b> |
| Cynthia Glenn,          | ) |                                |
|                         | ) |                                |
| Defendant(s).           | ) |                                |
|                         | ) |                                |

July 7, 2020  
Greenville, South Carolina

B E F O R E:

HONORABLE CHARLES B. SIMMONS, JR., MASTER IN EQUITY

A P P E A R A N C E S:

Michael Dodd, Esquire  
Attorney for the Plaintiff

Cynthia Glenn, Pro se

*Danette P. Hanks, CCR*  
*Court Reporter*

1           THE COURT:   This is 2020-00939; the matter of Curtis  
2 versus Glenn.  And are you Ms. Glenn?

3           MS. GLENN:   Yes, sir.

4           THE COURT:   Okay.  And Ms. Glenn, some preliminary  
5 questions before I move into the substance.

6           You're here today representing yourself without a lawyer;  
7 correct?

8           MS. GLENN:   Yes, sir..

9           THE COURT:   Okay.  And you -- there's been quite a  
10 history of litigation between you and Mr. Curtis.  But you have  
11 represented yourself in Magistrate's Court without a lawyer, as  
12 well; correct?

13          MS. GLENN:   Yes, sir.

14          THE COURT:   Okay.  And you understand that you have  
15 every right to consult with or retain a lawyer of your own  
16 choosing?

17          MS. GLENN:   Yes, sir.

18          THE COURT:   Okay.  And you understand you also have a  
19 right to represent yourself?

20          MS. GLENN:   Yes, sir.

21          THE COURT:   But you understand that if you represent  
22 yourself then you are certainly held to the same standard under  
23 the Rules of Civil Procedure and the expected knowledge of the  
24 law and things of that nature?

25          MS. GLENN:   Yes, sir.

1 THE COURT: And so are you telling me that you feel  
2 like you are able to represent yourself and that you wish to  
3 proceed here today without a lawyer?

4 MS. GLENN: I do, Your Honor.

5 THE COURT: Okay. And do you feel that anybody is  
6 pressuring you or forcing you in any way to make you be here  
7 without a lawyer?

8 MS. GLENN: No, sir.

9 THE COURT: Okay. So you're here asking that I allow  
10 you to represent yourself?

11 MS. GLENN: Yes, sir.

12 THE COURT: Okay. You can have a seat for right now.  
13 Thank you. And I do find that she has freely, knowingly and  
14 voluntarily waived her right to counsel and that she is qualified  
15 to do the same.

16 Now, let me ask you, Mr. Dodd, I looked through the file.  
17 Candidly don't understand all of it other than these people don't  
18 necessarily get along too well. And the complaint we're here on  
19 today in the circuit level was filed February 14, 2020. And I  
20 want to ask a few questions before I move into hearing arguments.

21 First, and this is for you and also for Ms. Glenn, there  
22 have been it looks like at least three Orders issued by the  
23 Magistrate's Court, but none of them have been appealed; correct,  
24 Mr. Dodd?

25 MR. DODD: That's correct, Your Honor.

1           THE COURT: Okay. And Ms. Glenn, do you agree with  
2 that, as well?

3           MS. GLENN: Yes, sir.

4           THE COURT: Okay. And at the Magistrate's Court level,  
5 it appears that the most recent Order was signed by Judge  
6 Southerlin on January 15, 2020. And he, in that Order, amended  
7 two previous Orders to some extent and he made several findings  
8 of fact and conclusions.

9           One of which he stated that I find that Plaintiff has opened  
10 his property to the public for use as a cemetery. In another  
11 portion of the Order -- I think all of these are on page three --  
12 Judge Southerlin gave Ms. Glenn access during defined hours to  
13 visit the property and her husband's gravesite. And then the  
14 second full paragraph, Judge Southerlin notes, a dispute exists  
15 as to whether the Plaintiff's property is a cemetery. The  
16 determination of the Plaintiff's property as a cemetery is beyond  
17 the jurisdiction of this Court. And then at that point, he gave  
18 Plaintiff thirty days to file an action with the Circuit Court to  
19 determine that narrow issue. And it does appear that Plaintiff  
20 did file the Complaint within the prescribed time.

21           So, Mr. Dodd, as I look through the Complaint there are  
22 multiple causes of action. And obviously we're here today, from  
23 my understanding, on the limited basis of dealing with Ms.  
24 Glenn's Motion to Dismiss that -- and candidly, I can't read the  
25 stamp date, so I'm not sure what day it was filed.

1 But let me ask you, Mr. Dodd, under the Complaint that Mr.  
2 Curtis has filed, what relief is he seeking?

3 MR. DODD: Yes, Your Honor, under the Complaint in the  
4 Common Pleas case that was filed ---

5 THE COURT: Yes, sir. Thank you.

6 MR. DODD: --- Mr. Curtis is seeking, number one, to  
7 comply with the Magistrate's Court Order in filing an action to  
8 have a determination of the status of his property. And then,  
9 additionally, as it was Mr. Curtis's interpretation of that Order  
10 that it did not limit him to any other causes of action that he  
11 may wish to bring based on what Mr. Curtis interprets as his  
12 ability to bring these causes of action pursuant to South  
13 Carolina Statute Section 27-43-10 and everything that follows ---

14 THE COURT: And that deals with determination and  
15 status of cemeteries in South Carolina; correct?

16 MR. DODD: It does, Your Honor. Specifically it deals  
17 with access rights for burial grounds of cemeteries, graveyards  
18 on private property. And although it was argued at the trial  
19 level in Magistrate's Court, the Order -- all of the Orders seem  
20 very conflicting. There's no case law or statute cited as a  
21 basis for the ruling in any of the Orders and they're conflicting  
22 as to what the status of his property is. And it was -- while I  
23 don't have a written transcript, it was discussed on the record  
24 in front of Judge Southerlin that the purpose of him ordering us  
25 to go before the Master in Equity was to determine what the

1 status of the property was. And so ...

2 THE COURT: Let me go back. There were no appeals, no  
3 motions for reconsideration that was filed at the Magistrate's  
4 level; correct?

5 MR. DODD: Well, there were. There were competing  
6 motions for reconsideration. And I guess Ms. Glenn styled hers  
7 as a motion for clarification; is that correct?

8 MS. GLENN: Yes.

9 MR. DODD: And so we had a lengthy hearing on that  
10 issue in which many of the same issues were addressed again on  
11 the record with Judge Southerlin, and this is the Order that came  
12 down.

13 THE COURT: Okay. This being the January ---

14 MR. DODD: The January ---

15 THE COURT: --- 2020 ---

16 MR. DODD: Yes, Your Honor, that's correct.

17 THE COURT: All right.

18 MR. DODD: And so Mr. Curtis decided that it would be  
19 in his best interest to follow the terms of the Order as best he  
20 possibly could, which is to seek the determination by this Court  
21 of the status of his property. And what would naturally follow  
22 from that is whatever rights and status that this Court declared  
23 would then determine what happened between Mr. Curtis and any  
24 other party concerning his land.

25 In the meantime that Order required Mr. Curtis to grant Ms.



1 Glenn visitation on a one-day-a-week for approximately a six-hour  
2 time window. And we've had a number of disputes over that since  
3 the date of that Order.

4 THE COURT: And there was a contempt action and Mr.  
5 Curtis was held in contempt and did a couple of days down the  
6 street in the detention center; correct?

7 MR. DODD: That's correct, Your Honor. He denies any  
8 wrongdoing. And there is now a second contempt action pending.

9 THE COURT: Brought by Ms. Glenn?

10 MR. DODD: Brought by Ms. Glenn. That hearing is  
11 scheduled for July the 13th. I don't know before which Judge  
12 this time, but it's in North Greenville Summary Court is where  
13 it's scheduled to be heard. I assume it will be Judge  
14 Southerlin, but I don't know.

15 And so the -- there's some other issues that arose after the  
16 date of this trial between the two that Mr. Curtis believes gave  
17 rise to the other cause of action in his Complaint, the abuse of  
18 process, breach of contract and then the visitation pursuant to  
19 South Carolina Code 27-43-10. And all of those may or may not be  
20 valid based on the determination of what his property right is.

21 But certainly Ms. Glenn has taken some action, in addition  
22 to those contempt filings, involving law enforcement, but also  
23 filed a complaint with the Department of Labor, Licensing and  
24 Regulation and the Perpetual Care Cemetery Board trying to hold  
25 Mr. Curtis in violation of that statute, which is one of the

1 statutes that was discussed at the trial level in front of Judge  
2 Southerlin and he declined to decide which statute Mr. Curtis and  
3 Ms. Glenn's dispute arose under, or if any at all.

4 Subsequently the Professional Care Cemetery Board denied the  
5 complaint or they dismissed the complaint, rather, and determined  
6 that this was not something -- his property was not something  
7 subject to their purview. And it's our position that based on  
8 that alone, that this matter ultimately, at least as far as the  
9 determination of the property, ought to be determined probably on  
10 summary judgment once we put forth Affidavits and the evidence  
11 that we have.

12 THE COURT: How does your client respond to Ms. Glenn's  
13 motion asking that, in part, the Complaint be dismissed because,  
14 according to her assertion, certain of these disputes have been  
15 or should have been litigated in front of the magistrate and so  
16 be it collateral estoppel, judicial estoppel, you can't get  
17 multiple bites of the same apple.

18 MR. DODD: Sure, Your Honor. Well, as it relates to  
19 the abuse of process claim, that could not have come about at  
20 that point in time. We still believe that both parties were, you  
21 know, in a dispute and trying to resolve it between one another.  
22 And we believe by her actions, filing a complaint and involving  
23 law enforcement as opposed to seeking to amicably resolve  
24 whatever dispute there may be.

25 To the best of our knowledge she's only come out to that

1 property twice, maybe. She claims it's been a couple of other  
2 times, but Mr. Curtis has cameras at his gate that show any time  
3 anybody comes and he doesn't see that she's there on the days  
4 that she claims. And so we're talking about two times in a  
5 period of almost a year now, July 3, 2020 was a year, that she's  
6 actually attempted to come out and visit. Yet every time she  
7 comes law enforcement becomes involved and we end up back in  
8 front of the ... So Mr. Curtis's position is that something has  
9 got to be done to prevent this continued abuse and harassment.  
10 Because clearly if the issue was visitation this would have all  
11 been resolved long before now. Mr. Curtis has stated ---

12 THE COURT: How do you respond then as to the breach of  
13 contract? Why weren't -- if there was a contract why wasn't that  
14 addressed in front of the magistrate? And I'm looking at  
15 paragraph 24 of the Complaint that says, Plaintiff and Defendant  
16 enter into a binding contract.

17 MR. DODD: Yes, Your Honor.

18 THE COURT: And I'm assuming that's at the point the  
19 body was interred on the property.

20 MR. DODD: That's correct, Your Honor.

21 But I think the -- so to address your question, the contract  
22 was -- whether or not there was a contract between the parties  
23 was brought up at the trial level in Mr. Curtis's testimony. It  
24 was not addressed in the matters of the Order. But the breach  
25 happened after the trial because it resulted from Ms. Glenn

1 showing up to the property, bringing people who are not herself  
2 and are not related to the deceased that was buried on Mr.  
3 Curtis's property, attempting to gain access and seeking to  
4 undermine the fact that Mr. Curtis has private property and has  
5 never intended to deny the family members of the deceased access.  
6 He's just said that he has private property rights and he wants  
7 to do it under reasonable circumstances.

8 But to the point about res judicata that is the subject of  
9 Ms. Glenn's motion, that's something that's been long recognized  
10 in South Carolina. And two of the elements, the identity of the  
11 parties and the subject matter, being the property and the issue  
12 of visitation, underlying Mr. Curtis's cause of action, I don't  
13 believe are in dispute here. But the adjudication of the issue  
14 certainly is. And there's an older case now, but the Supreme  
15 Court has stated that where, after the remission of a judgment  
16 subsequent events occurred, created a new legal situation, or  
17 altering legal rights or the relations of the litigants, in which  
18 case we believe that's clearly happened, then a judgment may be  
19 precluded as operating as an estoppel. In this case we believe  
20 that's what we're dealing with here. You know, it's almost akin  
21 to a Family Court situation where, you know, somebody can file  
22 for contempt as much as they want or somebody can file for change  
23 in custody even though there's already been a final adjudication  
24 on the merits of the case. In this action this ongoing dispute  
25 between the parties has made it such that I'm not sure any of the

1 parties in this matter are sleeping well or, you know, relief  
2 from what they both believe are, you know, torment on their  
3 person. You know, I know that Mr. Curtis certainly feels like he  
4 has suffered extreme mental distress as a result of this and that  
5 he's not able to practice his ministry, which is the main reason  
6 for having this property.

7       This very Court actually assisted Mr. Curtis in being able  
8 to do what he does out there today in declaring that the property  
9 was his and it's private property many years ago and since that  
10 time he has operated a church ministry where he performs baptisms  
11 and he performs wedding ceremonies from time to time and other  
12 religious Christian operations out there. But he's never done  
13 anything but maintained that it's private property.

14       And getting back to the point as far as the motion before  
15 the Court today, we believe that all -- although res judicata  
16 does bar some subsequent actions by the same parties, in this  
17 case there have been new occurrences that have been -- there have  
18 been new events that have occurred that changed the legal rights,  
19 that have changed the status between the parties to such a degree  
20 that res judicata would not bar his actions from going forward.  
21 And so we would ask that her motion be denied, Your Honor.

22       THE COURT: All right. So, Ms. Glenn, let me hear from  
23 you as far as now that you've heard the attorney's very fine  
24 argument. Why are these not new allegations that deserve a fresh  
25 look at in Court?

1 MS. GLENN: Well, for starters, we were only trying to  
2 fulfil the Order. We came during the scheduled time. And on  
3 every occurrence in over a year that I have attempted to visit  
4 the cemetery, I have been forcefully denied. That is why --  
5 well, he actually filed against me. I was the Defendant. But  
6 for the first six months we were harassed and he filed against  
7 us. The last -- well, not the last time but the time before  
8 that, he showed up with a gun which he discharged. Before we  
9 went to Court for the first time there were weapons discharged in  
10 that area, as well. Then we had a five-month delay while we  
11 waited on Judge Southerlin's first Order. Then I had to file for  
12 a motion of clarification because he posted the only visiting  
13 time was on a weekday. So we had to go back to Court for that.  
14 And then there was clarification which he still did not follow.

15 We have done every single thing that he has asked us. And  
16 he continues to change his requirements for visiting. We showed  
17 up at the right time. We showed up at the right place. Either  
18 doors were locked or we were forced away. We have only called  
19 the police when we had an Order that said we were supposed to be  
20 allowed in. The officer was actually subpoenaed to Court and  
21 testified on our behalf.

22 So nothing new has happened accept for we're continuing on  
23 the same case for a man who has substantial, substantial evidence  
24 against him that he is operating a business without proper  
25 credentials and he is harassing the family members of those that

1 he claims to serve.

2 THE COURT: How did it come to be that your husband was  
3 buried over there?

4 MS. GLENN: Well, my husband died suddenly. It was  
5 unexpected. But he had asked for a nature preserve. The -- we  
6 didn't know that this one existed, but some hours, literally,  
7 after his death, a family member said, well, you know there's a  
8 nature preserve beside grandma's, which is, I mean where our  
9 personal family cemetery is. So I thought I was choosing a  
10 nature preserve as he wanted. It was set up on Facebook as a  
11 business. Had no knowledge of church and still don't.

12 So I thought that we had agreed upon a nature preserve  
13 setting. And I'm highly in favor of that from what the legal  
14 definition of a nature preserve is. Unfortunately very soon  
15 afterwards he began harassing us and asking for more donations  
16 from me and my family members.

17 The week of the funeral itself there was a lot of rain both  
18 before and after the funeral. So when we drove up to the grave,  
19 unknown to us, when we drove up to take care of it, half the road  
20 had washed out. It's a circle. And only half of it had been  
21 graveled. And so it's at the top of a very big hill. So as we  
22 came down my car left tracks, and so did many other people's  
23 cars, left tracks, because there's no signage. We didn't know  
24 the road had washed out. And I've never denied that. That  
25 happened the week of the funeral. And it was ruled upon and I

1 paid him a hundred dollars for that, even though the police went  
2 up and looked and said, you know, many people have done it,  
3 there's no way of knowing whose it is.

4 So that is the only thing that happened. It was six months  
5 later that he filed against me in Court. And he did that because  
6 I left a Facebook review that he was unhappy with.

7 THE COURT: I'm not trying to try the case right now,  
8 but when was your husband buried in there?

9 MS. GLENN: It was December 2018.

10 THE COURT: Okay. And Mr. Dodd mentioned something,  
11 that there's an action pending in front of Judge Southerlin or  
12 whoever is going to hear it?

13 MS. GLENN: Yes. We've been delayed at getting up  
14 there because he claimed he was closed for COVID. So the first  
15 time we went up there, there was just ---

16 THE COURT: What I'm going to ask about now is when is  
17 the hearing in front of the Magistrate? It is next week?

18 MS. GLENN: It's next week; yes, sir.

19 THE COURT: Okay. And what are you -- what's the  
20 nature of that motion in front of the Magistrate?

21 MS. GLENN: Well, we tried twice to go up there since  
22 the last contempt case. The first time he showed up with dogs  
23 and a gun. And then the second time there was a sign on the door  
24 that said closed to all visitors. And he's supposed to have his  
25 hours posted as being open. So those are the two things that --



1 well, three things, really, the hours posted and the two times  
2 that we were not allowed in.

3 THE COURT: All right. Let me ask you a question. Do  
4 you think it would do any good if you and Mr. Curtis, along with  
5 his lawyer, sat down with an attorney mediator to try to come up  
6 with a resolution to where y'all ---

7 MS. GLENN: No, sir, I don't because I do believe that  
8 he is selling to the public and does not wish to follow those.  
9 He did send over yesterday what he believes would be a fair  
10 visitation scheduled, and it is nothing more than -- it's nothing  
11 less than cruel. And I have a copy of that if His Honor would  
12 like to see it. But it is limiting me to two hours a week. If I  
13 don't -- if I miss three weeks in a row then I'm limited to once  
14 a quarter. If I miss something like two quarters then I'm  
15 permanently banned. I have to walk to the cemetery. Can't leave  
16 the car outside the gate. Not really sure how I'm supposed to  
17 get there. No family is allowed to come with me. I'm not  
18 allowed to take pictures, maintain the grave, put anything on it.  
19 I mean it's cruel.

20 THE COURT: All right. Then, Mr. Dodd, anything else  
21 you'd like to have on the record?

22 MR. DODD: Respectfully, Your Honor, if you don't mind,  
23 we do not dispute that we sent over on Mr. Curtis's behalf a  
24 proposal. We do, however, dispute how it was characterized. It  
25 was not meant or intended to do anything other than allow access

1 to the spouse of the deceased which would be ---

2 THE COURT: Judge Southerlin has already ruled on that,  
3 so that's kind of -- as far as I'm concerned that's been ruled  
4 on.

5 MR. DODD: I understand, Your Honor. Thank you.

6 I would also add that Mr. Curtis does not operate a  
7 business. He does not solicit anyone to his -- regardless of  
8 what anyone else may say -- he doesn't have advertisements. He  
9 doesn't advertise himself as a nature preserve. He operates a  
10 ministry on private property as a private person and it's a  
11 church organization carrying out church activities. It's been  
12 long recognized in South Carolina that having a burial ground or  
13 cemetery or graveyard is one of the sort of enumerated,  
14 understood activities that a church can carry out, and that's  
15 what he does. That's what he believes is his calling. And  
16 that's what he's seeking to do here, is to be able to continue to  
17 do that without having to endure repeated civil actions being  
18 brought against him. Law enforcement being involved.

19 And we have offered numerous times, Your Honor, first prior  
20 to the original trial, subsequent to that trial before the Order  
21 came down, since that Order came down in January of 2020, we have  
22 offered a -- not every month but March and June a couple of times  
23 and prior to this hearing for opportunities to resolve all of  
24 this and put it to bed so nobody has to be in Court litigating  
25 it. However, the Defendant in this case is not willing to do

1 that. You know, if I may, one more thing, Your Honor.

2 THE COURT: Yes, sir.

3 MR. DODD: If the Court is inclined to take any  
4 evidence, we did file an Affidavit of Mr. Curtis that disputes  
5 many of the claims that she just made. Additionally, Ms. Glenn  
6 is not a first-time pro se litigant. She has a very lengthy  
7 history of suing lots of people. Not that she doesn't have a  
8 right to do so, but I just want to make a point that none of this  
9 has caught her off guard or by surprise. She knows very well  
10 what she's doing and how she's doing it. And we believe that has  
11 given rise to Mr. Curtis's claim for abuse of process, Your  
12 Honor. Thank you.

13 THE COURT: All right. Here's what I'm going to do.  
14 As I read the Order from the magistrate, the limited issue that  
15 is at this level is whether Plaintiff's property is a cemetery.  
16 We're going to try that. I'm going to make a decision.

17 On the other issues, anything that occurred prior to January  
18 15th, 2020, we can't re-litigate that. It was either heard by  
19 Judge Southerlin or could have been heard by Judge Southerlin, so  
20 we're not going backwards. Anything that occurred after that I  
21 think is fair game, including has there been a breach of the  
22 contract, whatever contract there may be, after January 15th,  
23 2020, and has there been any abuse of process, and if so, did it  
24 occur after January 15th, 2020.

25 So let me ask you, Mr. Dodd, how long do you think -- how

1 much more discovery is needed, if any, and how long before we try  
2 it and how long will it take to try it?

3 MR. DODD: Well, Your Honor, as far as discovery, we  
4 haven't received anything we've requested from Ms. Glenn,  
5 although she has sent a subpoena to my office requesting  
6 information from Mr. Curtis, which we have provided everything  
7 that we have in our possession related to that.

8 THE COURT: Have discovery requests been filed on Ms.  
9 Glenn?

10 MR. DODD: Well, they have not been filed, Your Honor.  
11 We were hoping that we would be able to resolve that ---

12 THE COURT: Well, you need to get them filed. She  
13 doesn't have any obligation to answer unfiled discovery.

14 MR. DODD: Yes, Your Honor. But additionally, I don't  
15 know that we need terribly long to prepare for trial. I think  
16 both of the parties are involved and everything and understand  
17 what the issues are. We know who the witnesses are going to be  
18 at this stage. I'll be glad to make sure Ms. Glenn has plenty of  
19 notice on any of those that she has questions about.

20 Again, I'll put it on the record that I'm asking if there's  
21 anything that she would like to discuss related to this case,  
22 I'll be happy to do so.

23 THE COURT: So are you saying another thirty days,  
24 another forty-five days before it's ready to get set or ...

25 MR. DODD: I would say probably forty-five days so that

1 we can be able to attempt some discovery and to possibly take  
2 another shot at resolving it, if that is going to be possible.

3 THE COURT: All right. And Ms. Glenn, how much  
4 additional time do you think is necessary before setting the case  
5 for trial?

6 MS. GLENN: I do not really need any additional time.  
7 I think that we are both prepared.

8 THE COURT: All right. I'm going to have my docket  
9 coordinator get in touch with both of you. We'll set it at some  
10 point beyond forty-five days.

11 When and if, Ms. Glenn, discovery requests are served on  
12 you, you're going to have to file a timely response. Typically  
13 that's thirty days.

14 And I'm going to go ahead and tell both parties I'm going to  
15 issue a restraining Order. You can't harass, you can't annoy,  
16 you can't bother, you can't have any kind of contact other than  
17 through the attorney. If there's any violation, I'm going to  
18 start at a five hundred dollar per violation fine. I've got no  
19 problem with locking somebody up if you want to test me on that;  
20 male or female, Plaintiff or Defendant. We're not going to have  
21 street justice. We're going to resolve this thing in Court. And  
22 if one side chooses something else, then they'll be locked up  
23 before the sun sets. I'm just making that rule clear. That's  
24 non-negotiable.

25 So like I say, I will have my docket coordinator get in

1 touch with y'all. If y'all can't get it resolved, we'll have to  
2 try it hopefully sometime in September.

3 MR. DODD: Your Honor, may I ask for one clarification?

4 THE COURT: Yes, sir.

5 MR. DODD: The Restraining Order, does that have any  
6 bearing on Ms. Glenn's visitation at the property? Because I  
7 think that's the biggest issue.

8 THE COURT: The way I'm interpreting it, I can't  
9 enforce the Magistrate's Court Order. He's clearly spoken on  
10 that as I read the Order. So if there's violations of that it  
11 goes to the Magistrate. If it's something beyond that or if  
12 there's just general harassment or just some mean spiritedness,  
13 I'm going to take care of that. But I can't -- I wish I could,  
14 but I can't force another Court's Order.

15 MR. DODD: May I put one additional thing on the  
16 record?

17 THE COURT: Certainly.

18 MR. DODD: Because Mr. Curtis has tried to be clear on  
19 this, that his gate on his property is a big swinging gate. He  
20 unlocks it every Thursday at the appointed time. But he does not  
21 go out there to do anything else. Because he's tried to keep his  
22 distance from Ms. Glenn. So we're just trying to make that  
23 clear, that the gate has been unlocked and it will be unlocked on  
24 Thursdays from ten to four p.m.; ten a.m. to four p.m. And it is  
25 not pursuant to the Order incumbent on Mr. Curtis to do anything

1 else but allow that access. He doesn't have to go out there and  
2 escort ---

3 THE COURT: I'm very happy to tell you that Judge  
4 Southerlin or whoever hears that case can address those kind of  
5 questions.

6 So, Ms. Glenn, anything else, ma'am?

7 MS. GLENN: Yes, sir, I do have a question regarding  
8 next week's Court date, because we are actually addressing the  
9 only two things that have happened since January. When that's  
10 addressed in Magistrate Court will we be hearing it again here?

11 THE COURT: You know, I can't -- I don't know. All I  
12 can do is tell you the general parameters will be if it happened  
13 before Judge Southerlin's January 2020 Order, we can't go there.  
14 If it happened since then -- and obviously if some new issues are  
15 litigated or decided by the Court next week, then I don't know  
16 what the issues are, don't know what the ruling would be, but I  
17 would certainly have that ruling at the time we move to trial.  
18 So it's probably going to have to be one of those waiting to see  
19 kind of things.

20 All right. Thank y'all very much.

21 MR. DODD: Thank you, Your Honor.

22

23 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

24

1       The undersigned, Danette P. Hanks, Court Reporter, Office of  
2 Master in Equity for Greenville County, South Carolina do hereby  
3 certify that the foregoing is a true, accurate and complete  
4 Transcript of Record of all of the proceedings had and evidence  
5 introduced in the hearing of the captioned case, relative to  
6 appeal, before The Honorable Charles B. Simmons, Jr., as Master  
7 in Equity for Greenville County, South Carolina on the 7th day of  
8 July, 2020.

9       I do further certify that I am neither of kin, counsel, nor  
10 interest to any parties hereto.

11

12

August 12, 2020

13

14

*Danette P. Hanks*  
Danette P. Hanks, CCR



Kenneth Curtis, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 ) **TRANSCRIPT OF TESTIMONY**  
 Cynthia Glenn, )  
 )  
 Defendant(s) . )  
 )

October 13, 2020  
Greenville, South Carolina

B E F O R E:

HONORABLE CHARLES B. SIMMONS, JR., MASTER IN EQUITY

A P P E A R A N C E S:

Michael Dodd, Esquire  
Attorney for the Plaintiff

Cynthia Glenn, Pro Se

Danette P. Hanks, CCR  
Court Reporter

2

1                   THE COURT:                   First, we're going  
2     to have to do something to be social distanced. Either  
3     people have to wait out in the hall, which is my  
4     preference, or spread out. Because there has to be at  
5     least six feet between people who are in the gallery  
6     today. So if y'all will spread on out some, please.  
7     Thank you.

8                 For the record, this is 2020-00939. We're here  
9     today in the matter of Curtis versus Glenn. Case has  
10    been referred. I want to go over a few of the basics  
11    and a little bit of the factual background just for the  
12    record and also to set kind of a larger parameter of  
13    where we're going to go today.

14                First, there are any number of motions that are  
15    outstanding. Plaintiff had filed a motion for summary  
16    judgment on October 2, 2020. My docketing coordinator  
17    advised, at my direction, the motion, since the case was  
18    set for today, October 13, that the motion would not be  
19    heard pre-trial. Then Defendant filed a rule to show  
20    cause for contempt that was filed on October 5, 2020.  
21    Then Defendant filed a motion for injunctive relief that  
22    was filed October 9, 2020.

23                So, Mr. Dodd, let me ask you, as far as the rule to  
24    show cause for contempt and the motion for injunctive  
25    relief, obviously neither one of those have been filed

3

1 and had ten days notice. Are you ready to proceed with  
2 one, both, or neither of Defendant's motions?

3 MR. DODD: Your Honor, the  
4 Plaintiff ---

5 THE COURT: I'm sorry, Mr. Dodd,  
6 when you're addressing the Court, you do need to be  
7 standing, sir.

8 MR. DODD: Forgive me, Your  
9 Honor. I apologize to the Court. Your Honor, the  
10 Plaintiff would prefer to proceed on both of those  
11 motions.

12 THE COURT: All right. As long  
13 on the record you are waiving any time issues as far as  
14 service of the motion. It would certainly be my  
15 preference to wrap everything up here today instead of  
16 protracting and coming back later. But again, your  
17 client has every right to request the ten days notice.

18 MR. DODD: Your Honor, I think  
19 Plaintiff is willing to waive that notice requirement as  
20 the Plaintiff also desires to wrap everything up today  
21 and hopefully be able to take care of all outstanding  
22 issues.

23 THE COURT: Okay. All right.  
24 Thank you.

25 MR. DODD: Thank you.

1                   THE COURT:                   Also, let me go  
2 through some of the procedural history. These parties  
3 started out their litigation in magistrate's court here  
4 in Greenville County. And apparently the magistrate  
5 issued four separate Orders. I only have two of them  
6 and have been unable, on the e-filing system, to find  
7 the original two Orders. But I do think it important to  
8 note that the magistrate's court issued an Order on  
9 January 15, 2020, making several findings relative to  
10 use of the property.

11               And there was also a motion to clarify or amend  
12 that resulted in an Order being filed February 14, 2020,  
13 again, making certain of what I believe to be relevant  
14 factual findings. And in those Orders the magistrate's  
15 court directed that certain issues were beyond his  
16 jurisdiction. And so that resulted in this lawsuit  
17 being filed.

18               I'll also note that this Court, on July 8, 2020,  
19 issued an Order stating that issues that occurred prior  
20 to the magistrate's court Orders, may not and will not  
21 be re-litigated. The Court also issued in that Order a  
22 mutual restraining Order against both parties and making  
23 clear that if there was a violation then there would be  
24 a minimum five thousand dollar fine and sanction for  
25 each violation.

1           So as far as today, we have had any number of  
2     telephone conference calls on this matter. And the most  
3     recent one, you know, I made clear to the parties that  
4     with Ms. Glenn being pro se that she would be held to  
5     the same standards, of course, that any attorney would  
6     and that the Rules of Civil Procedure Case Law Rules of  
7     Evidence would apply.

11 MR. DODD: Briefly, Your Honor,  
12 with regard to the motion for injunction that was filed,  
13 although we waived any objection to timeliness, the --  
14 in order for the party to prevailing in injunctive  
15 relief, it requires that there being a complaint that  
16 alleges sufficient facts to constitute a cause of action  
17 in order for injunctive relief to be something that the  
18 Court can grant.

21 MR. DODD: Sure.

24 MR. DODD: I don't believe so,  
25 Your Honor.

6

1                   THE COURT:                   All right. How  
2    about you, Ms. Glenn, any questions or anything you  
3    would like to have on the record as far as procedurally  
4    for the status of things moving ahead before we move  
5    into the first testimony?

6                   MS. GLENN:                   Yes, sir. I know  
7    that we weren't going to do the pretrial declaratory  
8    judgment. However, I did find some undisclosed  
9    information over the weekend. This particular property  
10   has already been before this Court and there's a twenty-  
11   five page Order about one of the properties in question  
12   that was not disclosed to me by the Court that I just  
13   found it this weekend.

14                  THE COURT:                   All right. Then you  
15   can certainly go into that with Mr. Curtis during any  
16   examination you may have of him. Anything else?

17               All right. I understand the first witness, by  
18   consent, is being done out of order but being done via  
19   Zoom in light of the corona issues. Is that correct,  
20   Mr. Dodd?

21                  MR. DODD:                   That's correct, Your  
22   Honor. Mr. Rich Guion will be the first witness. I  
23   just want to clarify if I may ask a question?

24                  THE COURT:                   Yes, sir.

25                  MR. DODD:                   Are we going to move

7

1 into testimony instead of taking up pretrial motions or  
2 ---

3 THE COURT: I'm not aware ---

4 MR. DODD: I'm sorry. Not  
5 pretrial motions, I guess we're going to take ---

6 THE COURT: We're going to do  
7 everything. We're going to build a complete record.  
8 I'm going to let these folks fight down in Columbia.  
9 I'm going to do my job, and I'm going to issue an Order.

10 MR. DODD: Very well. Thank  
11 you, Your Honor.

12 THE COURT: Yes, sir.

13 All right. So, Mr. Hanks, I understand that you're  
14 going to do this back in your office to be able to  
15 record it. And does everyone have the log-on  
16 information for the Zoom ---

17 MR. GLENN: I believe we have it  
18 right here.

19 THE COURT: All right. Thank  
20 you. If y'all will go ahead and start logging on,  
21 please.

22 (COURT REPORTER LEAVES COURTROOM)

23 THE COURT: All right, Mr. Dodd,  
24 do you have -- are you in the meeting at this point?

25 MR. DODD: Yes, Your Honor. I

8

1 does appear that I'm there and I believe that we have  
2 Mr. Guion, as well. It says connecting. Rich, can you  
3 hear us?

4 COURT REPORTER: Mr. Guion, can you  
5 hear us?

6 MR. DODD: I'm not sure his  
7 audio is connected, Your Honor.

8 Mr. Guion, do you hear us? He must not be  
9 connected to audio, Madam Court Reporter.

10 COURT REPORTER: Mr. Guion, can you  
11 hear us? Mr. Guion, you need to turn on your audio.

12 THE COURT: Have you asked him  
13 if he can hear us yet?

14 MR. DODD: I have, Your Honor.  
15 Mr. Guion, can you hear us? Your Honor, may I be  
16 permitted to communicate with Mr. Guion if he can't see  
17 this? I can try calling him or using my phone to  
18 contact him.

19 THE COURT: Yes, sir.

20 MR. DODD: I think he saw that.  
21 Let's see if he can get on.

22 COURT REPORTER: Mr. Guion, the audio  
23 button is on the bottom left corner.

24 MR. DODD: Mr. Guion, it should  
25 be at the bottom left corner of your screen. It says



1 enable audio. You can mute or unmute.

2 To save time, Your Honor, I'm going to try to  
3 connect with Mr. Guion here. There he is. It says  
4 connecting to audio. Can you hear us?

5 COURT REPORTER: Mr. Guion, you're  
6 going to have to speak up for me; okay? Barely.

7 MR. DODD: Mr. Guion, try to  
8 bump your audio up some. Is there a way you can move  
9 closer to the speaker so the court reporter can hear  
10 you? Or turn up your volume some?

11 COURT REPORTER: Have you turned up  
12 the volume on your mic? Are you on a computer or tablet  
13 or iPad? There should be a button on the top that says  
14 -- that has little a thing for volume. It's usually on  
15 the top right. Are you on a desktop computer?

16 RICH GUION: Yes.

17 THE COURT: Mr. Dodd, it may be  
18 best to go ahead and move into live testimony and then  
19 we can take him after lunch. And that will give you a  
20 chance to talk with him to see ---

21 MR. DODD: Yes, Your Honor,  
22 that will be fine.

23 Rich? Mr. Guion? Now it's frozen.

24 Madam Court Reporter, the Judge has instructed that  
25 we move forward with other live testimony and that we

10

1 try Mr. Guion again after lunch.

2 Mr. Guion, can you hear me? Due to the audio  
3 connection problem we're going to hear your testimony  
4 after lunch. So can you remain available -- be  
5 available after lunch for us?

6 RICH GUION: Yeah.

7 MR. DODD: Okay. Thank you  
8 very much.

9 COURT REPORTER: We can barely hear  
10 you.

11 RICH GUION: Can you hear me now?

12 COURT REPORTER: Not good.

13 MR. DODD: Not well enough.

14 Rich, when we break for lunch, when we take a recess,  
15 I'll call you and we'll try to see if we can remedy this  
16 audio problem. If you'll just hang on for us.

17 RICH GUION: Okay.

18 MR. DODD: Thank you.

19 Beg the Court's indulgence, Your Honor. We're  
20 going to try to remedy the audio situation after the  
21 lunch break.

22 THE COURT: Yes, sir. Thank  
23 you.

24 MR. DODD: Thank you.

25 (COURT REPORTER RETURNS TO COURTROOM)

11

1                   THE COURT:                   You can call your  
2 first witness.

3                   MR. DODD:                   Thank you, Your  
4 Honor. The Plaintiff calls Cynthia Glenn as our first  
5 witness.

6                   **(TESTIMONY OF CYNTHIA GLENN NOT REQUESTED)**

7                   THE COURT:                   All right, Mr. Dodd,  
8 you can call your next witness.

9                   MR. DODD:                   Thank you, Your  
10 Honor. Your Honor, at this time I would call Jeanne  
11 Greene.

12                  MS. GLENN:                  Your Honor, in  
13 reference to this witness, according to the pretrial  
14 brief in what was disclosed to me, she's here to discuss  
15 that there are people buried there and that it's private  
16 property. Can we all acknowledge and agree that we know  
17 that there are people buried there?

18                  THE COURT:                  From my review of  
19 the file that's never been an issue.

20                  MS. GLENN:                  And then Mr. Dodd  
21 did not disclose any expert witnesses that will be  
22 talking about whether or not it's private or public  
23 property. So any testimony as to whether or not it's  
24 private property would just be hearsay, meaning that Mr. .  
25 Curtis had told her it was private property or somebody

12

1     else had told her, because we don't see that there's any  
2     expert witnesses.

3                 THE COURT:                     Well, first, I don't  
4     have a clue what she's getting ready to testify to.  
5     Second, if you think anything she's getting ready to  
6     testify to is objectionable, you can certainly object at  
7     that point and state the reason for your objection.  
8     Okay?

9                 MS. GLENN:                    I'm sorry. I  
10    thought that was what I was trying to do. She was  
11    listed as those two things. And so I would object to  
12    any non-expert witness ---

13                THE COURT:                    Okay. That's fine.  
14    Like I say, if you -- if her testimony or if the  
15    question posed to her, in your opinion, is objectionable  
16    at that point you can make your objection.

17                MS. GLENN:                    Thank you, sir.

18                THE COURT:                    All right. Raise  
19    your right hand. Do you swear to tell the truth, whole  
20    truth and nothing but the truth?

21                JEANNE GREENE:                I do, sir.

22                THE COURT:                    Thank you. Come  
23    around and have a seat, please.

24                JEANNE GREENE:                Can I sit down?

25                THE COURT:                    Yes, ma'am. Thank

1     you.

2                               JEANNE GREENE,

3                    BEING DULY SWORN, TESTIFIED AS FOLLOWS:

4                               DIRECT EXAMINATION

5     BY MR. DODD:

6     Q.       Dr. Greene, thank you for being here.

7     A.       You're welcome.

8     Q.       How do you know the Plaintiff, Kenneth Curtis?

9     A.       Ken Curtis and I have been friends for close to  
10    twenty-five years.

11    Q.       Have you ever been a part of any religious  
12    service or religious activity involving Mr. Curtis?

13    A.       We've prayed together. And also my mother-in-law  
14    is -- her remains are at Saluda Rest.

15    Q.       Where exactly at Saluda Rest or on Mr. Curtis's  
16    property is your mother buried?

17    A.       It's my mother-in-law.

18    Q.       Mother-in-law. Excuse me.

19    A.       She is right on the Saluda River.

20    Q.       Right on the Saluda River?

21    A.       It's right next to the river.

22    Q.       If I show you this map, to the best of your  
23    recollection and knowledge, does this appear to be Mr.  
24    Curtis's property?

25    A.       Yes.

- 1 Q. And is your mother-in-law buried on this  
2 property?
- 3 A. Yes, she is.
- 4 Q. Would you point out to the Court where she's  
5 buried?
- 6 A. Let me see here. Right along here, I believe.  
7 If I'm not mistaken, right there next to the river.
- 8 Q. Okay. And Dr. Greene, now, when you visit your  
9 mother-in-law here along the Saluda River, do you have  
10 to request permission?
- 11 A. Yes, I do.
- 12 Q. To your knowledge has Mr. Curtis performed any  
13 baptisms along that area of the ---
- 14 A. Yes.
- 15 Q. --- property that you ---
- 16 A. He actually recently offered to perform a baptism  
17 of my son who was saved about two weeks ago. So yes,  
18 it's very common knowledge that he does that.
- 19 Q. You say it's common knowledge that Mr. Curtis  
20 performs lots of various religious activities on his  
21 property?
- 22 A. Everybody that I know who knows him, yeah.
- 23 Q. Were you involved at all in the decision-making  
24 of your mother-in-law's burial out there?
- 25 A. Yes.

15

1 Q. And what was the decision that you all made as  
2 far as -- how did you arrive at the decision to ask Mr.  
3 Curtis and Saluda Rest Ministries to bury your mother-  
4 in-law there?

5 A. My mother-in-law died and my husband and I got  
6 together with Ken and asked him if it would be  
7 acceptable for us to have her remains laid to rest at  
8 Saluda Rest. And he actually selected a very beautiful  
9 area for her to be at.

10 Q. Now, when you all entered into that agreement  
11 with Mr. Curtis to give over her remains to him and have  
12 her buried out there, was there an understanding between  
13 you and Mr. Curtis and Saluda Rest Ministries with  
14 regard to his property and how it would be kept over  
15 time? Whether it would be developed or whether it would  
16 remain natural, whether it would remain a part of Saluda  
17 Rest Ministries or whether it was going to become some  
18 developed cemetery or otherwise?

19 A. Even before my mother-in-law got ill, I always  
20 knew that this was to be kept natural. This whole area  
21 was to be kept natural. And so that was one -- in fact,  
22 it's in my Will, as an addendum to my Will, that this is  
23 where I want to be because of that reason, because I  
24 want it -- I want it to remain in its natural state.

25 Q. Is part of the reason that you want to be buried

1     there because it's not open to the public? Because  
2     people aren't just coming and going?

3     A.     That's correct, because it's private. And  
4     there's not -- I've never, ever thought about going up  
5     there without calling or getting some kind of permission  
6     to come up there to see Evelyn.

7     Q.     When you do go does someone come and let you in  
8     the gate? Or how do you get access?

9     A.     Ken has always let me in the gate.

10    Q.     But you've always notified him first; correct?

11    A.     Always. Yeah, I've never gone unannounced to Mr.  
12    Curtis.

13    Q.     When you go and visit your mother-in-law are  
14    there defined marked roads that are paved? Or is there  
15    areas where you have to get out and walk? Would you  
16    typically have to park, you know, a car potentially ---

17    A.     We take a gravel road down partially and then we  
18    have to walk a good ways. Probably about maybe a  
19    quarter of a mile all the way where she is.

20    Q.     Okay. But it's not unusual to have to ---

21    A.     It's pretty rough terrain, too.

22    Q.     Right.

23    A.     You have to kind of be on your toes.

24    Q.     It's not something that your average vehicle is  
25    just going to go ---



17

1 A. No. There's no way to get a vehicle where she  
2 is.

3 Q. Right. Okay. No further questions for this  
4 witness, Your Honor.

5 THE COURT: Hold on. You don't  
6 get out that easy.

7 JEANNE GREENE: I'm so sorry, sir.

8 THE COURT: That's fine.

9 Ms. Glenn, now is your opportunity to ask any  
10 questions.

11 MS. GLENN: Thank you, sir.

12 **CROSS EXAMINATION**

13 **BY MS. GLENN:**

14 Q. Are you a member of Saluda Rest Church?

15 A. No.

16 Q. Have you ever been to Saluda Rest Church?

17 A. No.

18 Q. Are you aware of Saluda Rest Church?

19 A. Yes.

20 Q. Where is it?

21 A. I don't know where it is, but I do know that Mr.  
22 Curtis is active in that church or somehow he has some  
23 kind of relationship to the church.

24 Q. So is it on this property?

25 A. I mean, I don't -- there's not a per se church

18

1 building on the property.

2 Q. Okay. So I'm sorry but when did your mother-in-  
3 law pass?

4 A. I believe it was 2018.

5 Q. 2018? And I couldn't see from back there. Can  
6 you show me where ...

7 A. Right along in here.

8 Q. Okay. So -- oh, where is his -- well, this is  
9 Edwards Road. I'm sorry. Okay. So this is Edwards  
10 Road going that way? Or this is the river? Because I  
11 thought the entrance to Mr. Curtis's was off of Edwards  
12 Road. I don't think the river is on this map. Is this  
13 the river? I don't think the river is on this map.

14 MS. GLENN: Is this the river?

15 KEN CURTIS: Yes.

16 Q. Or that's the road?

17 THE COURT: Mr. Dodd, could you  
18 help them out?

19 MR. DODD: Be happy to, Your  
20 Honor.

21 THE COURT: Thank you.

22 MR. DODD: This is Saluda  
23 River.

24 Q. Okay. And this is the road here. And he lives  
25 at 113. So he would -- he's driven past the driveway

19

1 here to get to his property here. This is the driveway;  
2 right?

3 A. I don't know where the driveway is. I would  
4 think this right in here.

5 Q. I think that's the river because he doesn't own  
6 road access here. So there's a driveway here that goes  
7 through his father's old property, so this must be an  
8 old map. And then to -- that's his driveway ---

9 MR. DODD: Your Honor, I'm  
10 going to object to ---

11 THE COURT: Ms. Glenn, is there  
12 a question somewhere?

13 MS. GLENN: Well, I really  
14 wanted to figure out where her road was, and I got  
15 confused. I truly am confused. I'm trying not to  
16 confuse her.

17 THE COURT: All right. That's  
18 fine.

19 Q. So that's it?

20 A. No. She's right along in here.

21 Q. Okay.

22 A. Yeah, right along in here.

23 Q. All right. But to get to it you go this way, up  
24 that way and then out through some woods there?

25 A. We have to travel a long way. We had to go this

1 way. We have to go all the way along the river.

2 Q. Okay.

3 A. We don't go in this area. We just travel along  
4 the river.

5 Q. And where is Mr. Curtis's house?

6 A. Well, he ---

7 Q. Or is it a residence yet?

8 A. I think he's right here.

9 Q. Okay. So the driveway goes that way. Okay. All  
10 right. So he lives here and the grave is behind his  
11 house at his personal property there; right? I'm not  
12 trying to confuse you.

13 A. All I can -- I don't know what his personal  
14 property is. I don't know where all the boundaries are  
15 or anything. I'm just saying I can tell you where ---

16 Q. I'm just saying he's here and grave is close  
17 behind him?

18 A. That's right.

19 Q. And so in 2018 when your mother-in-law passed,  
20 you already knew him? For twenty years you knew him?

21 A. Uh-huh (affirmative).

22 Q. So you asked for his permission to be buried on  
23 his property?

24 A. That's correct.

25 Q. That's your understanding?

21

1 A. Uh-huh (affirmative).

2 Q. So that was that an agreement between you and an  
3 old friend?

4 A. Uh-huh (affirmative).

5 Q. And he allowed that?

6 A. Well, I mean I did it because I knew that he had  
7 -- it wasn't just an old friend that I did it for. I  
8 knew that he had some knowledge on, you know, how to  
9 maintain the property, maintain the privacy. I mean  
10 I've got a lot of old friends, but ---

11 Q. Okay.

12 A. --- there's not a lot of old friends that I would  
13 ask to just say can I put my mother-in-law's remains on  
14 your property just because I -- I know that Ken is going  
15 to take care of that area.

16 Q. Have you been to the cemetery up the hill?

17 A. I've been all over that area. And I don't know  
18 where the hill -- there's a lot of hills. He's taken me  
19 and showed me around all that area.

20 Q. Well, the big cleared area that has like fifty  
21 grave sites? Have you been to that one where you enter  
22 -- you have to drive past his personal entrance and then  
23 go around up the hill and then go in a different  
24 entrance?

25 A. I've been to the other entrance to the other part

22

1 of the property. I've been to different areas. So I  
2 guess I just don't know exactly -- I've been to all the  
3 different areas -- a lot of different areas on the  
4 property. So it's a hard thing -- hard for me to say.

5 Q. Did he give you any policies and procedures?

6 A. He sure did.

7 Q. In writing?

8 A. Yes.

9 Q. Oh, wow. You don't have them, I guess?

10 A. Uh-uh (negative).

11 Q. So ---

12 THE COURT: If you could answer  
13 yes or no because my court reporter, she's wonderfully  
14 talented, but ---

15 JEANNE GREENE: I'm so sorry.

16 THE COURT: --- but an uh-huh  
17 and uh-uh are real hard to put on the record.

18 JEANNE GREENE: I'm so sorry, sir.

19 THE COURT: That's fine.

20 JEANNE GREENE: Sorry.

21 Q. But he presented it to you as being his private  
22 property; not a nature preserve?

23 A. No. He told me that this is what -- I remember  
24 when he called me to tell me this is what he wanted to  
25 do. He wanted to have a nature preserve and he wanted

23

1 to be able to have it as private property. And he never  
2 said I want your mother-in-law to come -- her remains to  
3 be on my private property. But I wanted to be a part of  
4 this because I thought it was a beautiful thing.

5 Q. It is a beautiful thing.

6 A. I thought ---

7 Q. I agree with you. I love it. I love the concept  
8 of a nature preserve.

9 A. And I feel like if -- it's important to me to  
10 support his ministry because we are very alike in that  
11 way, that we want to be able to serve the Lord in this  
12 way. And I support his ministry. And I wanted to do  
13 this small thing.

14 Q. So what I'm trying to ask is when your mother-in-  
15 law was buried did you believe it to be a nature  
16 preserve?

17 A. Yes.

18 Q. Okay. So you believed this property to be a  
19 nature preserve, the one that we talked about?

20 A. I thought the whole area was.

21 Q. Okay. Do you know if there are any limitations  
22 to putting a burial by the river on nature preserves?

23 MR. DODD: Objection. Calls  
24 for a legal conclusion.

25 THE COURT: To the extent if she

1 has personal knowledge she can answer it.

2 A. Okay. No, I don't have any knowledge of that.

3 Q. Okay. That's all I have. Thank you.

4 THE COURT: Any other brief  
5 questions, Mr. Dodd?

6 MR. DODD: Just one brief for a  
7 point of clarity and -- one thing, Your Honor.

8 THE COURT: Can we go ahead and  
9 at least mark that plat for identification purposes  
10 since there's been a lot of reference to it?

11 MR. DODD: Yes, Your Honor. I  
12 will move to admit it as Plaintiff's Exhibit 5.

13 (WHEREUPON, Plaintiff Exhibit Number 5 was marked  
14 and admitted into evidence.)

15 **REDIRECT EXAMINATION**

16 **BY MR. DODD:**

17 Q. Dr. Greene, you identified this as Ken Curtis's  
18 property; correct?

19 A. Yes, sir.

20 Q. Based on your personal knowledge this is Saluda  
21 Rest and part of Saluda Rest Ministries and that your  
22 mother-in-law is buried approximately in this ---

23 A. Yes, sir.

24 Q. --- area near the river?

25 A. Yes, sir.



25

1 Q. Okay.

2 MR. DODD: Thank you, Your  
3 Honor. No further questions.

4 THE COURT: All right. Just for  
5 the record. Mr. Dodd referred to you as a doctor any  
6 number of times. What kind of ---

7 JEANNE GREENE: I'm a chiropractor.

8 THE COURT: Okay. All right.  
9 Anything else, Mr. Dodd?

10 MR. DODD: No, Your Honor.

11 THE COURT: Anything else, Ms.  
12 Glenn?

13 MS. GLENN: No, sir.

14 THE COURT: All right. Thank  
15 you, ma'am. May the doctor be excused if she has other  
16 pressing business?

17 MR. DODD: Yes, Your Honor.

18 THE COURT: Ms. Glenn, any  
19 objection?

20 MS. GLENN: No, sir.

21 THE COURT: All right. You're  
22 free to go; free to stay.

23 JEANNE GREENE: Thank you, sir.

24 THE COURT: Yes, ma'am. Thank  
25 you.

1 All right. You can call your next witness.

2 MR. DODD: Your Honor, at this  
3 time I'd like to call Kandy Kelly.

4 (TESTIMONY OF KANDY LEE CARPENTER KELLY NOT  
5 REQUESTED)

6 MR. DODD: At this time, Your  
7 Honor, I will call Sandra Crisp.

8 THE COURT: Come around and  
9 place your left hand on the bible and raise your right  
10 hand for me, please. Do you swear to tell the truth,  
11 whole truth and nothing but the truth?

12 SANDRA CRISP: Yes, sir.

13 THE COURT: If you'll come  
14 around and have a seat, please. If you'll state your  
15 full name.

16 SANDRA CRISP: Sandra Crisp.

17 THE COURT: Spell the last name,  
18 please.

19 SANDRA CRISP: C-R-I-S-P.

20 THE COURT: All right, thank  
21 you.

22 SANDRA CRISP,

23 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION

25 BY MR. DODD:

27

1 Q. Ms. Crisp, how do you know the Plaintiff Kenneth  
2 Curtis?

3 A. I guess I've known him for about twenty-five  
4 years or so. I knew him before Saluda Rest through the  
5 ministry that he was trying to do.

6 Q. Do you have any family members buried at Saluda  
7 Rest?

8 A. Yes, sir, my son.

9 Q. Now we've referenced two different parcels in  
10 this matter; 113 and 177. Which -- do you know where  
11 your son is buried on that, with respect to those two  
12 ---

13 A. 177.

14 Q. 177; okay. But do you consider the entire thing,  
15 the Saluda Rest piece of land that Mr. Curtis owns, is  
16 that your understanding and your knowledge?

17 A. Yes, it is.

18 MS. GLENN: Objection, Your  
19 Honor.

20 THE COURT: On what basis?

21 MS. GLENN: She says ---

22 THE COURT: I'm sorry. If  
23 you're objecting you need to stand up.

24 MS. GLENN: It sounded as if she  
25 was testifying that the entire parcel was Saluda Rest,

1 but she wouldn't be a qualified expert.

2 THE COURT: Overruled. Go  
3 ahead.

4 Q. Ms. Crisp, when you visit your son at Saluda  
5 Rest, do you request permission beforehand?

6 A. Yes, sir.

7 Q. Did you sign a contract agreement with Mr. Curtis  
8 or Saluda Rest prior to your son being given over to  
9 Saluda Rest?

10 A. Yes, sir.

11 Q. According to that contract what was the policy  
12 and procedure that you were supposed to follow in terms  
13 of visitation?

14 A. I don't remember exactly everything that was on  
15 there that I signed, but I know that he had always  
16 requested to know when someone is going to be on the  
17 property. He was supposed to be notified of that.

18 Q. And as far as access is concerned, when you visit  
19 do you walk? Do you have to park your car and get out  
20 and walk? How do you go to visit your son?

21 A. I have actually done both. He granted me, for a  
22 short period of time, access that I could drive in. I  
23 made a little extra heart around my son's grave and I  
24 hauled some rocks and some plants and that kind of  
25 thing. And he granted me temporary access, I guess you

29

1     could say, to drive all the way up to the grave. The  
2     rest of the time, I pull straight in through the gate.  
3     I kind of park at what I call the bottom and I walk up  
4     to my son's grave, which is not far. It's uphill, but  
5     it's not that far.

6     Q.     When you say uphill, is there a marked road that  
7     is cared for and that would -- is it easily passable by  
8     the average car or is it something that would require a  
9     SUV or a truck or something heavier in nature?

10    A.     This is pretty easily passable. It is how you  
11    circle all the way around the property and come back  
12    down. But this area does not have gravel. So it's --  
13    there's access, but it doesn't have gravel on that part.

14    Q.     And you mentioned that he granted you temporary  
15    access to -- I guess to place some things at your son's  
16    grave, but then it was your understanding pursuant to  
17    y'all's agreement that you would not always have vehicle  
18    access to the grave site?

19    A.     To the actual grave site; right.

20    Q.     When your son was buried was there a funeral  
21    service or other kind of religious ceremony that was  
22    performed?

23    A.     There was. We didn't use a mortuary. We had a  
24    service at the church and then we had a grave side. And  
25    the pastor went with us to the grave side and Ken said a

30

1     few words also there. It was cut short that day. There  
2     was snow on the ground, so it wasn't exactly what we had  
3     planned.

4     Q.     You had testified that you've known Mr. Curtis  
5     for a number of years. During that time have you known  
6     him to perform any kind of religious ceremonies at his  
7     property of any kind?

8     A.     Yes, he does, quite often. With each burial, to  
9     my knowledge, especially if the family has no other  
10    access or would like for him to say a few words. And he  
11    does do baptisms there quite often.

12    Q.     So he performs religious functions that a church  
13    would perform?

14    A.     Yes, sir.

15    Q.     In your time of knowing Mr. Curtis and knowing  
16    about his property and since your son has been buried  
17    there, have you always had to request permission to  
18    access to come and visit?

19    A.     Yes, sir.

20    Q.     So you've never known the gates to be wide open  
21    all day long? That would be one of the policies -- he's  
22    never changed his policy to say that the gates will just  
23    be open any time?

24    A.     No, sir.

25                 MR. DODD:                                 No further

1 questions, Your Honor.

2 THE COURT: Your witness.

3 CROSS EXAMINATION

4 BY MS. GLENN:

5 Q. You've known Mr. Curtis for twenty-five years?

6 A. Roughly. I haven't counted it up. Twenty to  
7 twenty-five.

8 Q. And what year did your son pass?

9 A. 2018.

10 Q. 2018? I've seen his stone. It's beautiful.

11 A. Thank you.

12 Q. I saw the church services. It's beautiful.

13 Where on this map is your son buried?

14 A. I'm not good with maps. I've never ... this is  
15 Edwards Road going this way?

16 Q. Uh-huh (affirmative). Well, they said that was  
17 the river. And then they said that those were his  
18 houses so that the driveway for 113 must be there, is my  
19 assumption.

20 A. Okay. Now, I'm not good with maps, but I think  
21 my son is buried in this part here.

22 Q. In this part here? Right here?

23 A. I think.

24 Q. So there's this line here and your son is buried  
25 here?

1 A. I think so.

2 Q. Okay.. Where do you live at, Ms. Crisp?

3 A. I live in Travelers Rest.

4 Q. Okay. At any point did you live up by Saluda  
5 Rest?

6 A. No, ma'am.

7 Q. Is that your signature? I guess I need to --  
8 this was actually part of -- this is Exhibit 4 from --  
9 for the objection for summary judgment. It's the deed  
10 to 177 Edwards Road where your son is buried and where  
11 my husband is buried, that second parcel. So this is  
12 your signature?

13 MR. DODD: Objection, Your  
14 Honor. The witness has not identified that document.  
15 She's simply been told what it is.

16 THE COURT: All right.

17 Q. Do you know what this document is?

18 A. That is my signature. Yes, ma'am. This is the  
19 property -- like I said I'm not good with maps. I know  
20 what this property is supposed to be for and I think  
21 it's that piece of property that I pointed out on that  
22 map.

23 Q. Right. That's what I thought, too. I thought  
24 this was the cemetery way over here. That's what I  
25 thought.



1     A.       Okay.

2     Q.       But like you where the road goes up ---

3     A.       Okay.

4     Q.       --- I couldn't tell.

5     A.       Okay.

6     Q.       And then there's more across the street that's

7     not even on there. But so this is the deed. And it

8     says that you gave Mr. Curtis that property as a

9     charitable gift?

10    A.       Yes, ma'am.

11    Q.       So can you tell me a little bit about that?

12    A.       I inherited it. My dad and Mr. Childs were the

13    actual owners of the property. I never had any money in

14    it. And my dad passed away, I inherited my half, I

15    guess you could say, of the property. I knew about Mr.

16    Curtis's -- and so did Mr. Childs -- knew about his work

17    and what he wanted to do. And before Mr. Childs passed

18    away, we donated, I guess you could say, or gave as a

19    gift to that ministry for this to be a private burial.

20    I call it natural burial, is what I refer to it as.

21    Q.       And I'm sorry, I don't know your relationship to

22    Mr. Childs?

23    A.       He was a friend of my dad's. No relation.

24    Q.       Okay. All right. So what do you think that land

25    was valued at before you donated it to Mr. Curtis?

34

1 A. I don't really -- I don't know. I mean I'm not  
2 sure. I have a pretty good idea, but I mean I'm not  
3 sure. We didn't exchange monetary value for the  
4 property.

5 Q. What estimate, since it was your property and you  
6 donated it, what would be your estimate?

7 A. For my half of the property?

8 Q. Uh-huh (affirmative).

9 A. I would say twenty-five to thirty thousand maybe.

10 Q. Okay. Since you donated it to charity did you  
11 get a tax writeoff for that?

12 A. No.

13 MS. GLENN: I'm sorry. Can you  
14 look at this map again?

15 Q. So you said that you were aware of services from  
16 Saluda Rest. Where are the services held?

17 A. What do you mean services? My son's service was  
18 held right there at the grave site.

19 Q. So you're talking about the funeral service?

20 A. Uh-huh (affirmative). The grave side service.  
21 We had a service at the church.

22 Q. But prior to donating this property to Mr.  
23 Curtis, you were aware that Saluda Rest had services? I  
24 thought that's what I heard you say?

25 A. I am not certain before I donated this property.

35

1 I knew he had some burial ground, natural burial there.

2 That's why he wanted to extend this property to do.

3 Q. So you donated it to him to be a natural burial  
4 ground. That was its purpose?

5 A. Yes.

6 Q. Okay. And I'm sorry, I don't want to be  
7 indelicate, but your son, he was sick for a while?

8 A. Yes, ma'am.

9 Q. So you wanted your son to be buried here?

10 A. Yes, ma'am. I wanted to be buried there before  
11 my son ever passed away.

12 Q. Okay. So that was the purpose of donating this  
13 to him, to be a functioning nature preserve for you and  
14 your son?

15 A. Not just me and my son; for the mission, for the  
16 ---

17 Q. Okay.

18 A. --- to be a private natural burial. That was  
19 what ---

20 Q. It is beautiful property.

21 A. That was what ---

22 Q. It is beautiful.

23 A. --- it was about.

24 Q. It is beautiful. It is beautiful. And I think  
25 that you intended to do a great thing. And I hope it

36

1 continues. But so knowing for your family, yourself and  
2 your son the main reason was for that to be a burial  
3 ground? Is there a church on that property?

4 A. A private natural burial. No, ma'am.

5 Q. Is there a church on this other property down  
6 here? A physical church?

7 A. I'm not as familiar with that property as  
8 apparently you are. I do not think there is a church  
9 building there. No, ma'am.

10 Q. That's all the questions. Thank you.

11 THE COURT: Any other questions?

12 MR. DODD: Briefly, Your Honor.

13 **REDIRECT EXAMINATION**

14 **BY MR. DODD:**

15 Q. Ms. Crisp, you said -- you stated that you  
16 transferred the property to Mr. Curtis for the purpose  
17 of his mission. Did you understand that mission to be  
18 religious in nature?

19 A. Yes, sir.

20 Q. And that he would continue to perform baptisms  
21 and burials on the property?

22 A. Exactly.

23 Q. And that the property would be used for that  
24 purpose; correct?

25 A. Yes. A private natural burial.

37

1 Q. Now when you say private, do you mean that one  
2 had to request permission ---

3 A. Yes.

4 Q. --- to be granted access to use the property or  
5 come onto the property; correct?

6 A. Private property is exactly -- was our full  
7 intentions; yes.

8 MR. DODD: No further  
9 questions, Your Honor.

10 MS. GLENN: May I ask one more  
11 follow-up?

12 THE COURT: Yes, ma'am.

13 **RECROSS EXAMINATION**

14 **BY MS. GLENN:**

15 Q. Ms. Crisp, when you donated that property were  
16 you aware that there were regulations governing nature  
17 preserves?

18 A. Natural burials? I guess that's the same word.

19 Q. Natural burials can happen anywhere, but nature  
20 preserves are different.

21 A. Well, I refer to it as a natural burial. I don't  
22 know the exact terminology. I know that it is a -- I  
23 mean it's a mission -- I guess could be a missionary  
24 type work if you will. But it's private property. It's  
25 got a burial ground. And I am sure there are laws

1     pertaining to it in some defense of the property;  
2     protecting the people that are buried there and their  
3     family's rights.

4     Q.     Did you anticipate that Mr. Curtis would follow  
5     those laws?

6     A.     Yes.

7     Q.     Thank you.

8             THE COURT:                     All right. May this  
9     witness be excused?

10            MR. DODD:                     Yes, Your Honor.

11            THE COURT:                     So, Ms. Crisp,  
12     you're free to stay; free to go.

13            Call your next witness.

14            MR. DODD:                     Your Honor, at this  
15     time I would call Tonya Woodall.

16            **(TESTIMONY OF TONYA WOODALL NOT REQUESTED)**

17            **(TESTIMONY OF KEVIN THOMPSON NOT REQUESTED)**

18            **(TESTIMONY OF JOHN MCDONALD NOT REQUESTED)**

19            **(TESTIMONY OF MATTHEW AUSTIN MCCLELLION NOT**  
20     **REQUESTED)**

21            **(TESTIMONY OF JOHN GRIFFITH NOT REQUESTED)**

22            THE COURT:                     Call your next  
23     witness, please, sir.

24            MR. DODD:                     Your Honor, at this  
25     time I would call Kenneth Curtis, the Plaintiff.

39

1                   THE COURT:                   If you'd place your  
2 left hand on the bible and raise your right hand for me,  
3 please. Do you swear to tell the truth, whole truth and  
4 nothing but the truth.

5                   KENNETH CURTIS:               I affirm.

6                   THE COURT:                   Thank you, sir. If  
7 you'll come around, please, sir. And if you would state  
8 your full name.

9                   KENNETH CURTIS:               Kenneth Ethan  
10 Curtis.

11                   THE COURT:                   All right.

12                   MR. DODD:                   Thank you, Your  
13 Honor.

14                                   **KENNETH ETHAN CURTIS,**

15                                   **UPON AFFIRMATION, TESTIFIED AS FOLLOWS:**

16                                   **DIRECT EXAMINATION**

17 **BY MR. DODD:**

18 Q.       Mr. Curtis, you are the owner of the property  
19 that is the subject to this dispute; correct?

20 A.       I am.

21 Q.       That is known as Saluda Rest Ministries?

22 A.       That is correct.

23 Q.       The large blow-up here that has been marked as  
24 Exhibit 5 that has been referenced many times today, you  
25 own this large parcel here; is that correct?

1 A. That's correct.

2 Q. Pertaining to tax map number 52211 and then it  
3 says part 3.3; is that correct?

4 A. That is correct.

5 Q. And then you additionally own this adjacent piece  
6 of property that's marked with tax map number 5221123.1;  
7 is that correct?

8 A. That is correct. The large parcel was actually  
9 awarded to me by this Court in a previous case.

10 Q. For clarification purposes, I just want to assist  
11 everybody in identifying these two parcels because  
12 there's been a lot of pointing here today. I have got a  
13 printout from the Greenville County website that shows  
14 the larger parcel, Saluda Rest, and then this smaller  
15 piece. Does that appear to be your two parcels on that  
16 map?

17 A. It does. It's just lacking a little bit on the  
18 side over here where the river is, but it's most of it.  
19 Yes, sir.

20 Q. Okay. And then the secondary parcel I suppose is  
21 to the east of the larger parcel and has a long strip of  
22 road that touches Edwards Road and ---

23 A. Well, I don't call it a road. There's never been  
24 a road in there.

25 Q. But the name of it is ---



1 A. Yes, it borders Edwards Road.

2 Q. Okay.

3 A. The entrance to it is off of Edwards Road.

4 MR. DODD: Your Honor,  
5 Plaintiff has identified two parcels making up Saluda  
6 Rest, and I would move at this time to enter that as  
7 Exhibit ---

8 COURT REPORTER: 8.

9 MR. DODD: Number 8.

10 (WHEREUPON, Plaintiff Exhibit Number 8 was marked  
11 and admitted into evidence.)

12 Q. Mr. Curtis, you mentioned a minute ago that you  
13 were awarded the property by the Court. Can you explain  
14 that a little bit more in detail to me for our  
15 understanding?

16 A. After my mother passed away and we buried her at  
17 our home place, my father was in the early stages of  
18 dementia but had a rapid decline. And he remarried and  
19 the title to the property was in dispute and his new  
20 wife, wanting to sell the property, a lawsuit between my  
21 father and I developed. And through the course of that  
22 lawsuit, this Court awarded me the thirty-nine -- I  
23 think thirty-seven acres and divided the property. Gave  
24 my father -- I'm not sure of the numbers. Like fourteen  
25 acres, I think, and me the thirty-seven acres.

1 Q. And then sometime after that you acquired the  
2 second parcel; is that correct?

3 A. I did. It was given to me by Sandy Crisp and  
4 Robert Childs, I -- the II, I guess he is.

5 Q. It was given to you; correct? There was no  
6 consideration?

7 A. Yes. It was donated to our ministry.

8 Q. Okay. How long has the ministry operated on  
9 either of those parcels?

10 A. Well, during that first lawsuit, we were already  
11 baptizing and burying at that time. So I guess from  
12 1997 onward we were doing active burials, but we were  
13 doing baptisms even before that.

14 Q. You certainly referenced the ministry and  
15 baptisms and burials in the context of these two parcels  
16 before. Would you identify this document for the Court,  
17 please?

18 A. This is a letter that I sent to Judge Simmons  
19 several years after he had heard the case and awarded me  
20 the property. I'd very much like to read it to you,  
21 Your Honor.

22 Q. Do you recall what the document says?

23 A. I'm sorry?

24 Q. Can you read the document?

25 A. Yes, please.

43

1                   THE COURT:                   How long is it? I'm  
2   a pretty good reader.

3                   THE WITNESS:                It's two pages.

4                   THE COURT:                No, we're not going  
5   to do that.

6   Q.       Can you explain to the Court then, Mr. Curtis,  
7   what this document says?

8   A.       It's just thanking Judge Simmons for his  
9   attention to our case, for visiting the property and  
10   taking the time to carefully consider the issues before  
11   him. And letting him know about the ministry that was  
12   taking place on the property since he awarded it. And  
13   the acquisition of the property -- the second parcel.

14                  MR. DODD:                   I'll move at this  
15   time to make this Plaintiff's Exhibit 9.

16                  THE COURT:                And I feel like I  
17   have some obligation to put on the record, I don't  
18   recall that letter. If I would have received it, it  
19   would have been marked part of the public record. So I  
20   don't know if it's ever been marked part of the public  
21   record.

22                  (WHEREUPON, Plaintiff Exhibit Number 9 was marked  
23   and admitted into evidence.)

24   Q.       Mr. Curtis, in this letter you reference Saluda  
25   Rest, Preserve, Natural Burials & Ministries. So at

44

1     least since the time of that litigation, the ministry  
2     has been active; correct?

3     A.       It has been. It was actually a part of the  
4     previous lawsuit as far as our ministry activities on  
5     the property.

6               MS. GLENN:                       Your Honor, this is  
7     undated, unsigned and unverified. Could have written it  
8     yesterday.

9               THE COURT:                       You'll be entitled  
10    to ask him that on cross examination.

11    Q.       How many people, approximately, are buried at  
12    Saluda Rest, Mr. Curtis?

13    A.       Somewhere upwards of fifty. I'd say somewhere  
14    between fifty and sixty.

15    Q.       And are there remains buried on both parcels that  
16    we've been discussing here today?

17    A.       Yes, there are. Ms. Glenn says that there's only  
18    one grave on the property. If you look at the plat, it  
19    actually says graves. It's marked on there. That would  
20    be my brother and my mother both, at the time of that  
21    plat, but you've heard testimony that several of my  
22    witnesses have their relatives and loved ones buried on  
23    the large parcel of property that was awarded me by the  
24    Court. We have eight people buried on the original  
25    parcel.

45

1 Q. Okay. In the course of conducting your ministry  
2 and other religious activities that have been testified  
3 to here today have you ever filed any paperwork  
4 regarding a non-profit status or religious exemption  
5 status or anything like that?

6 A. We did originally when we were setting up the  
7 ministry. We were informed that we should probably be a  
8 501(c)(3) organization and filed with the secretary of  
9 state as a non-profit. After -- well, consulting with  
10 counsel we found out we were not obligated to do that,  
11 so we -- secretary of state said we weren't going to  
12 file any more and we haven't been required to after that  
13 because we are a church. We're exempt from those  
14 things.

15 Q. Have you received any kind of notification from  
16 the secretary of state's office this year or in the past  
17 saying that you are not subject to being registered?

18 A. That is correct. We have.

19 Q. You have? And that is because you do not solicit  
20 any funds, you do not take payment for any of the  
21 services that are provided at Saluda Rest; is that  
22 correct?

23 A. Correct. We are donation only. We don't take  
24 any funds. We don't solicit any funds. We don't sell  
25 any products. That's not what the Lord gave me to do in

46

1 my ministry. It's a donation-only ministry. We suggest  
2 a donation to offset our costs, but they are actual  
3 costs, not any overages or anything involving money like  
4 that. We try to cover our costs. We ask them for  
5 costs. But we don't turn anybody away, whether they can  
6 pay or not.

7 Q. You mentioned that you don't turn anybody away.  
8 Do you require anybody to make any kind of payment prior  
9 to -- if someone asks to be buried out there and they  
10 say to Mr. Curtis or to Saluda Rest Ministries that we  
11 cannot afford payment, how is that handled?

12 A. If they can't afford payment, we ask them to tell  
13 us that, of course, so we can plan around it. We try to  
14 maintain somewhat of a benevolence fund for people that  
15 can't pay anything. We draw that straight from our  
16 Saluda Rest bank account. We have a separate bank  
17 account for our ministry. So if they tell us they can't  
18 afford the burial, we'll work with them to make sure  
19 their loved ones are cared for. It's just part of what  
20 we do. It's stewardship, is our main goal, is Christian  
21 stewardship of what God has provided for us. We believe  
22 God has provided this land for us for this purpose and  
23 this ministry. It's been an extremely productive  
24 ministry. People come, they bury their loved ones  
25 there, they hear the preaching of the gospel and they

47

1     come back and are baptized there. We've had lives get  
2     changed there, all the time. And so, you know, I'm very  
3     proud of what we do in ministry. It's been more  
4     productive than any church building body I've ever been  
5     a part of.

6     Q.     Have you ever turned anybody away that has  
7     requested burial, that has requested baptism or  
8     otherwise as a religious organization that is requesting  
9     to have some of those services performed?

10    A.     No. We don't turn anybody away. And we're not  
11    -- we don't just bury Christian people. I've buried  
12    Muslims, Jews, non-religious people; anybody. The only  
13    requirement I have for burial at Saluda Rest is that I  
14    be provided an opportunity to preach the gospel at every  
15    burial, whether it's grave side or we have a service by  
16    the river, which is usually the case. That is the only  
17    compensation that I receive as a minister, is the  
18    ability to preach the gospel. That is my goal. That is  
19    the whole purpose. My pulpit is the burial ground and  
20    the burial procedures. That's when I get a chance to  
21    preach. I made that very clear to Ms. Glenn. And  
22    that's why I preached at her husband's funeral.

23    Q.     So anybody who asks you to bury their family  
24    member or friend or loved one there would have to first  
25    agree to your policies and procedures and your, I

1     suppose, way of doing things as a religious  
2     organization; is that correct?

3     A.     That is correct. I make everybody that --  
4     everybody that's a legal representative of the decedent  
5     has to come out and visit with us and talk to us  
6     personally, and select a site for their loved one. It's  
7     all very detailed and explained in a verbal way. We  
8     can't write all of it down. People have to experience  
9     it.

10    Q.     And so during that, I guess, interaction when  
11    somebody would come out and look and request a burial  
12    site, do you explain what visitation would look like  
13    after burial?

14    A.     Absolutely. We always stress that you have to  
15    call. We try to provide that -- the visitation, when  
16    people come to visit the grave site, we consider that an  
17    extension of our ministry purpose. When somebody calls  
18    and says they're going to visit, we try to meet with  
19    them when they come and visit so that our ministry can  
20    be continued. We want to know how they're doing,  
21    whether we can help them in any kind of ministering  
22    aspects on the spiritual side of things. That's a  
23    continuing ministry part of what we do. That's why we  
24    do what we do, is continuing to minister to those that  
25    we serve.



49

1 Q. And so in your mind what you do is an exercise of  
2 religious freedom that's protected by the federal and  
3 state constitution?

4 A. Absolutely.

5 Q. Would you say that?

6 A. Absolutely.

7 Q. And when you -- I suppose when you open your  
8 gates, so to speak, for a burial service or funeral, for  
9 people to attend a baptism, for people to attend a  
10 wedding ceremony or other religious activity at Saluda  
11 Rest, the people that are allowed to come, how are they  
12 -- how does that -- walk me through that -- what that  
13 looks like. So if somebody were going to have a burial,  
14 that particular person would be notified of a time --  
15 date and time that they can come to gain access to the  
16 gates?

17 A. Well, normally, if we're having a burial service,  
18 the person that is the legal representative is the  
19 funeral director. They are making all the plans for the  
20 funeral. I don't do any funeral planning. The person  
21 who is representing themselves as a funeral director  
22 makes all the scheduling for that event. Now, I consent  
23 to any -- if our schedules as far as the actual burial  
24 time and place or time and date -- excuse me -- of  
25 course, it can't conflict with our other scheduling, but

50

1     that's the extent of it. If I have a clear calendar and  
2     an opportunity, then they can make the arrangements they  
3     want to as far as burial services. Now, after that, as  
4     far as visitation, we make it real clear and it's also  
5     clear on the Facebook site that they have to call in  
6     advance because it's private property. We may have  
7     things going on on the property that are not conducive  
8     to their visitation. Even weather conditions preclude  
9     people, you know, from being able to be on the property.  
10    Sometimes there are dangerous things going on. It is a  
11    working farm. It's a big piece of agricultural  
12    property. We have tractors and stuff going all the time  
13    trying to improve the property and make it, you know,  
14    what it is. We have to clear it. We have to continue  
15    to do plantings and all those things. And sometimes  
16    those things aren't conducive to visits.

17    Q.     You mentioned weather and that type of thing.  
18    The weather and the other conditions at Saluda Rest, are  
19    there times when portions of the property are -- I guess  
20    would not be able to be traversed or that would be  
21    impassable and where vehicles would not be able to drive  
22    on them?

23    A.     Absolutely. The trees are a constant threat and  
24    problem on the property as far as falling down and  
25    blocking access and things like that. If we have to do

51

1    those kind of removals -- when I say it's a constant  
2    problem, it is. It's pretty much at least every week we  
3    have to go and remove a fallen tree that is blocking  
4    access or, you know, all kinds of situations like that.  
5    Weather-wise, it can come up -- it makes it very  
6    impossible to visit parts of the property without  
7    causing a lot of damage.

8    Q.        You talked about access that you have to  
9    maintain. Is it your intention that there be vehicle  
10   traffic access to the interior of Saluda Rest?

11   A.        I has never -- as a matter of fact, that's the  
12   anathema to what we are trying to do. We're trying to  
13   -- this property was extremely important to my family.  
14   That's one of the things that came up in our original  
15   case. But this is a family piece of property. This is  
16   a way for us to preserve it and make sure it's never  
17   developed and that it remains natural. When my mother  
18   bought the main piece of this property herself, that's  
19   why she's buried there, is to try to preserve that  
20   property so it's never developed. There's not supposed  
21   to be any road access there. There never has been any  
22   road access. That's why the gates are there, is to  
23   present vehicle access.

24   Q.        So would it be fair to say that the gates serve  
25   as the sort of starting point to Saluda Rest as far as a

1 burial ground?

2 A. Yes.

3 Q. On the smaller of the two parcels, if I look at  
4 this map that is marked as Exhibit 8, I believe, there's  
5 a long strip of land that touches Edwards Road?

6 A. Uh-huh (affirmative).

7 Q. Is that an entry and exit way point from Edwards  
8 Road that a vehicle would traverse?

9 A. It's the easiest way.

10 Q. Is that the way that people currently access  
11 Saluda Rest?

12 A. Well, it just depends on what you're coming to  
13 Saluda Rest for. We have two gates and two drives. But  
14 that is the way that most people come into that burial  
15 area.

16 Q. So depending on the date, the time, the activity,  
17 the person who was coming out and for what purpose, and  
18 depending on the agreement that you have with that  
19 person, their access point might change; is that  
20 correct?

21 A. Correct. You talked to Ms. Greene and Ms.  
22 Woodall. They would come in probably at the lower gate  
23 because it's closer to where their loved ones are  
24 buried. But in the cases of Ms. Crisp and the  
25 Defendant, Ms. Glenn, they would usually come in the

1 other gate.

2 Q. Now, during certain times there's access beyond  
3 that gate for vehicle traffic; correct?

4 A. I'm sorry. One more time.

5 Q. Is there access for vehicle traffic beyond the  
6 gate on that side of the road where Ms. Crisp and Ms.  
7 Glenn would enter for a vehicle to ---

8 A. It's possible to drive a vehicle through there.  
9 And we use it for access for burials as far as the day  
10 of burials. But it is not meant for general vehicle  
11 access.

12 Q. So you make it clear to everyone who's buried  
13 there that they should not expect regular grave side  
14 access by vehicle to their loved one or family member?

15 A. Absolutely. Yes. If they're bringing something  
16 like plantings -- we plant fruit trees at all the grave  
17 sites, and we allow people to do grave site maintenance  
18 as long as it complies with our standards. It's on the  
19 website what our standards are. As long as it's not  
20 invasive plantings and as long as it's natural, we try  
21 to give deference to families to let them mourn by  
22 taking care of the grave sites. But other than that  
23 it's walk-in access. If they have to carry heavy loads  
24 like Ms. Crisp was talking about, she had to bring in a  
25 load of heavy stones and markers and plantings and stuff

1     like that, so she had vehicle access for that. But  
2     normally people walk in.

3     Q.     And so it would be a normal course for someone to  
4     have to exit their vehicle prior to either of those  
5     gates and walk into Saluda Rest?

6     A.     Yes.

7     Q.     And so when someone -- when one were to speak of  
8     Saluda Rest in terms of vehicle access, based on your  
9     intention and the way that Saluda Rest has always been  
10    used by your ministry and by you personally and by  
11    others, that means that access stops at that gate;  
12    correct?

13    A.     Absolutely. When I first took possession of both  
14    pieces of property, the gate was the first thing I put  
15    up, especially with the smaller piece of property, the  
16    newer acquisition, that was the very first I did when I  
17    got title, was to put the gate up.

18    Q.     Okay.

19    A.     I would just add that the gates are also marked  
20    with no trespassing signs, that you must call for every  
21    visit, that you'll be cited for trespass if you don't.

22    Q.     So there's a sign that says call for access?

23    A.     Yes. It's got my phone number on it. And it  
24    says for each and every visit. It's not a one-time  
25    authorization ---

1 Q. And that's your personal phone number?

2 A. It's got my personal cell phone number on it;  
3 yes.

4 Q. So each time somebody wishes to enter and they  
5 call and ask for permission, they get you?

6 A. Yes.

7 Q. It's not an answering service that would take  
8 days to get a response to or anything like that?

9 A. Correct. I usually have my cell phone with me.  
10 It's very rare that it takes more than ten minutes for  
11 me to get back to somebody.

12 Q. To revisit this issue of drives again, and  
13 vehicle access, we've heard some testimony to this, but  
14 is it your intention that at some point there will be no  
15 vehicle access to certain portions or all of what's  
16 considered Saluda Rest as far as the burial ground?

17 A. Yes. Especially the parcel that we're mostly  
18 referring to here, the parcel that Sandra Crisp donated  
19 to us, has always been and we always tell everybody that  
20 it's all going to go back to natural conditions.  
21 Everything is going to be planted and reforested.  
22 There's not going to be a road there. We make that  
23 exceptionally clear over and over again. We don't want  
24 to mislead anybody. It's not our intention for anybody  
25 to think that they're going to be able to drive onto the

1 property at Saluda Rest at any time other than when  
2 they're burying their loved one or maintaining a grave  
3 and have to bring stuff like that. But it's still up to  
4 our discretion.

5 Q. Would you say that it's reasonable to think that  
6 vehicles could be permitted around your property at all  
7 times? Is it safe? Is it something that you wouldn't  
8 -- you would feel comfortable with regularly having  
9 vehicle traffic?

10 A. This whole case started because Ms. Glenn drove  
11 over some graves that were on the property and caused  
12 damages to those graves and the property. And I tried  
13 to get a trespass Order against her. That's how this  
14 whole case got started, because I do fear that if people  
15 are given general access, I have no way to control who  
16 comes on and what damage they might do. I live a good  
17 ways away from there and I can't monitor all that  
18 property, so I have to be able to control access. If  
19 it's not, they can come up -- you know, there's a lot of  
20 people that are grave vandals. And because we do  
21 natural burials, we don't use vaults or anything like  
22 that. If they're allowed to bring tools and equipment  
23 onto the property, they can dig up graves and do  
24 terrible things that we don't want them to be able to  
25 do. There's grave robbers out there. And we don't want



1 the -- we're charged in stewardship to protect these  
2 sites. And we don't want anybody being able to come on  
3 there and drive over them and bring tools and those kind  
4 of things that they can harm this property and disturb  
5 these graves.

6 Q. Earlier, I believe it was Exhibit -- the very  
7 first one -- Exhibit 1, Ms. Glenn testified that she  
8 signed this legal representative form?

9 A. Yes.

10 Q. I'm referencing Plaintiff's Exhibit 1. When she  
11 signed that agreeing to give her husband's remains to  
12 you, did you all come to an understanding of the terms  
13 and you all had a meeting of the minds, so to speak, of  
14 what it meant for her to sign that paper giving over the  
15 reigns to you? Do you believe that that was the case?

16 A. I believe we did, and I believe that's the reason  
17 she signed it.

18 Q. And you believe that that piece of paper signed  
19 by her, in addition to the conversations that you all  
20 had, formed the basis of a contract?

21 A. I do.

22 Q. Do you believe that Mr. Glenn has breached that  
23 contract in any way?

24 A. I definitely do. Ms. Glenn was acting, as  
25 everybody does that signs that legal representative

1 paper, they're acting as their own funeral director.  
2 You have the right in South Carolina to act as your own  
3 funeral director, just like you do to represent yourself  
4 in Court as pro se, you take on the responsibilities of  
5 that profession, a licensed profession. You take on  
6 those liabilities yourself when you act as a funeral  
7 director. And you have that right, just like you have  
8 the right to represent yourself pro se. But with that  
9 right comes the liabilities of knowing what you're doing  
10 and acknowledging those procedures. That's why I have  
11 that contract. Ms. Glenn is charged with -- as any  
12 funeral director would be, with making a contract that  
13 protects her interests. I'm trying to protect our  
14 interest as Saluda Rest. It's not my job because I'm  
15 not a funeral director, to protect Ms. Glenn as a  
16 funeral director. It's Ms. Glenn's job if she's not  
17 understanding or not agreeing with that contract, to  
18 present me with another contract to see whether I will  
19 sign it and give her the right to visit -- I think she  
20 wants total access, is what she's asking for anytime she  
21 wants.

22 Q. But nevertheless, she did sign the agreement and  
23 you all had some other conversations that formed the  
24 basis of a valid contract that both parties agreed to.  
25 Would you say that you recall that?

1 A. I do. I recall it in detail.

2 Q. Can you explain for the benefit of the Court how  
3 you believe that she's breached that contract?

4 A. Well, she agreed to hold me harmless, which some  
5 of that contract talks about. And certainly I've been  
6 greatly harmed by her lawsuits and by her -- I call it  
7 persecution in this case. I don't think there's  
8 anything on that contract she hasn't violated.

9 Q. Is part of the policies and procedures that are  
10 explain to people as part of this contract that she not  
11 damage your property?

12 A. Absolutely. That she call in advance for entry;  
13 that she gives up the rights to her husband's remains  
14 because they become our property once they are buried at  
15 Saluda Rest. They are part and parcel of the property  
16 of Saluda Rest. That is her right to do as a funeral  
17 director, just like Kandy Kelly testified to. When you  
18 are in control, you're the legal representative of those  
19 remains, you can give them to science. You can have  
20 them cremated and scattered wherever you want to. So  
21 yes.

22 Q. So is it your testimony, then, Mr. Curtis, that  
23 as soon as Ms. Glenn were to enter through the gates at  
24 Saluda Rest without your permission, she would be in  
25 breach of the contract?

1     A.       Absolutely.

2     Q.       And any damage that she were to cause would also  
3     be in breach of the contract?

4     A.       Yes.

5     Q.       Has she ever been found to be liable for damage  
6     to you?

7     A.       She has. The magistrate court awarded me damages  
8     for her damages.

9     Q.       Mr. Curtis, another part of this case is the --  
10    so there's the factual dispute as to the amount of time  
11    that we've spent litigating this case and the number of  
12    filings, that type of things. Do you believe that the  
13    Defendant has done anything to further notice that don't  
14    necessarily have a legal, valid purpose in mind as far  
15    as pursuing an action against you or filing various  
16    motions before the Court?

17    A.       I believe Ms. Glenn to be a vexatious litigant.  
18    Based upon what I know about her and in talking to  
19    people in her family, I believe she's a vexatious  
20    litigant and it's not about visiting her husband's  
21    grave. I've never tried to keep her from visiting her  
22    husband's grave. That is, again, anathema of what we  
23    do. I would never disallow somebody to come and visit  
24    the grave of their loved one. It's just not our purpose  
25    unless they have caused damaged and made themselves a

61

1 problem. Then we have to restrict access.

2 Q. And so you would not have ever -- you would never  
3 have restricted any access to Ms. Glenn were she not to  
4 have breached that contract and caused damage and  
5 entered your property without your consent?

6 A. Correct. The issue became vehicle access onto my  
7 property. It wasn't access to her husband's grave. It  
8 was whether or not she could drive onto the property and  
9 continue to cause damage. So I told her that she had to  
10 park at the gate and walk in because of the damages that  
11 she has done. And that's when she filed suit.

12 Q. Doesn't she have vehicle access to your property?

13 A. She can drive from Edwards Road into the driveway  
14 area like everybody else, and park at the gate and walk  
15 in.

16 Q. Have you ever denied her access to your property  
17 since the January 15th Order by Judge Southerlin in  
18 magistrate court?

19 A. I have not. I did -- I wasn't there to open the  
20 gate one time. That's when I got cited for contempt.  
21 But I told the officer at that time she was free to walk  
22 in. That she just couldn't drive in because I couldn't  
23 get up there to open the gate.

24 Q. Why couldn't you open the gate on that particular  
25 occasion?

62

1     A.       We had massive flooding. I think this was back  
2     in March, if my date recalling is right. We had massive  
3     flooding. We had -- all our buildings down by the river  
4     had been flooded and we were trying to get our equipment  
5     and everything dried out. You know, we were working  
6     feverishly to take care of our property down at the  
7     bottom -- by the river.

8     Q.       So based on weather and other conditions that you  
9     can't always foresee in a place that is natural in  
10    nature and that is the point of the whole enterprise,  
11    would it be fair to say that there are times beyond your  
12    control where it wouldn't be reasonable for anybody to  
13    be granted vehicle access, and in some instances, foot  
14    traffic, given the weather?

15   A.       Absolutely.

16               MS. GLENN:                   Your Honor, all this  
17   has been litigated and decided.

18               THE COURT:                   I'm sorry. I can't  
19   understand you if you're not standing up.

20               MS. GLENN:                   All this has already  
21   been litigated and decided.

22               THE COURT:                   With a lot of this  
23   stuff, we're just going to keep going and we're going to  
24   build a record.

25               MS. GLENN:                   All right.

63

1                   THE COURT:                   I have no question  
2   in my mind y'all are going to go down to Columbia and  
3   there are some very fine appellate judges who will sort  
4   through this. And my job is just to make a good record  
5   for both sides and issue a written Order. But you're  
6   protected on the record with your objection.

7                   MS. GLENN:                   Thank you.

8                   THE COURT:                   Yes, ma'am.

9   Q.       So, Mr. Curtis, is it your intention to bury  
10   bodies throughout Saluda Rest on both parcels?

11   A.       Yes. Yes. The terrain itself makes it difficult  
12   for us to bury on the original parcel because it's very  
13   rocky. There's not a lot of easy access. And the  
14   terrain -- it's just big rock. On the other side of the  
15   mountain, it's basically divided along the ridge line of  
16   the mountain. On the newer parcel side, it is easier  
17   digging, for lack of a better way to go. Plus it has  
18   already been logged off. My Childs logged it off before  
19   we got the property. So we haven't cleared it. We have  
20   made it possible to bury people by removing stumps.

21   Q.       Those people that come in the future, presumably,  
22   would seek you out; correct? I mean you don't go out  
23   and say, hey, come to ---

24   A.       No. We never do any advertising. We've never  
25   done any advertising. We maintain a Facebook site

1 mainly for the people who have buried people there to  
2 memorialize their loved ones to give a basic explanation  
3 as to what we do, to answer basic questions. The FAQs  
4 are there for that reason. To let people know that we  
5 are a Christian ministry and church and how we -- what  
6 the requirements are to be buried at Saluda Rest.

7 Q. And so as a church, as a ministry and religious  
8 organization, is burial and the care for afterwards a  
9 part of your mission?

10 A. Yes. It's the main -- it is the pulpit that I  
11 use for a ministry. I try -- we use burial as a pulpit.  
12 Now, when I say that, when somebody has lost a loved one  
13 and they're grieving that loss, they're thinking about  
14 eternal things. It's a very tender time when I, as a  
15 minister of the gospel, can get a hold of them when  
16 they're thinking about eternal things, and steer them  
17 towards the gospel of Jesus Christ, both to help them in  
18 their grief, and when their heart is open and they're  
19 thinking about these things. It's a very rare thing  
20 that you have that opportunity to touch people at those  
21 times. It's a very unique ministry, but one that has  
22 been turned over mostly to funeral directors. We're  
23 trying to do for others exactly the opportunity that we  
24 had when we buried my mother and my brother on the  
25 property. We acted as our own funeral directors. We



65

1 found out that we could do it legally. We didn't know  
2 we could when my mother passed away. But it was her  
3 desire that we do that. So we were in a mad scramble to  
4 fulfil her wishes. And then after we had done that,  
5 some of the people that were gathered there that day  
6 expressed an desire that they be allowed to do the same  
7 thing. And when God got hold of my life in a major way,  
8 part of the Christian principal is giving away what's  
9 been given to you. And to use what's been given to you  
10 in stewardship and ministry. We put our feet and hands  
11 to work in the gospel. We don't just go to church and  
12 sing three hymns and leave. We actually work what we  
13 preach. We expect the work of our hands to demonstrate  
14 it to the public.

15 Q. So you mentioned about the ministry and the  
16 burials. Have you ever designated the space as a public  
17 access cemetery or public access burial ground of any  
18 kind?

19 A. Absolutely not.

20 Q. You've never written any document, you've never  
21 published any document that says, this parcel or this  
22 location is hereby designated as the Saluda Rest burial  
23 ground, Saluda Rest cemetery or anything like that?

24 A. Never.

25 Q. Never?

66

1     A.     I think it's also important to clear up one thing  
2     about how I came to know and meet Cynthia Glenn. I went  
3     to church for years with Cynthia Glenn's mother. And  
4     when our little church that we were going to broke up,  
5     we rode together to services looking for a new home  
6     church for months. Every Sunday either she would drive  
7     or I would drive, and we would go look for another home  
8     church. That's how I met Cynthia Glenn is through her  
9     mother who, when Cynthia's husband died, her mother  
10    suggested that she might want to talk to me about burial  
11    at Saluda Rest. She didn't go to Saluda Rest's Facebook  
12    page first thing and find me. She didn't find an  
13    advertisement. It was because her mother and I were in  
14    a close relationship, and that's how I met her.

15   Q.     And so, again, a family connection that seems to  
16   be a common theme from what we've heard here today, that  
17   people find out about you through family members,  
18   through church friend or fellow churchgoer or in some  
19   cases, as Kandy Kelly testified to, when a former inmate  
20   needed indigent help.

21   A.     Yeah. Kandy didn't really expound on that. But  
22   yeah, I met Kandy even the same way. It was when I was  
23   down there to pick up another decedent that I explained  
24   to her what we were doing. And we had church right  
25   there in the morgue. I don't know how to explain it any

67

1 other way. But we preached back and forth to each other  
2 about this and we were rejoicing in what we were doing  
3 because nobody else does this. And there's a great need  
4 out there. Bodies are stacked up at coroners' office  
5 all the time with nobody to claim them. And to me  
6 that's just a terrible tragedy. I have the means in  
7 order to do it and to bury people in a Christian way and  
8 to be able to preached the gospel to anybody that's  
9 there. So yes, it's a vital, important thing. But I  
10 don't advertise. It's all word-of-mouth. It's from  
11 people that come out there for the burial of somebody  
12 else. They hear the message. We explain at every  
13 funeral what we do and why we do it. You know, before  
14 we even start preaching, we tell everybody what Saluda  
15 Rest is so they will know. So when they have these kind  
16 of times in their lives and they've lost a loved one,  
17 they know where to go for ministry services.

18 Q. I want to ask a question on this point just for a  
19 minute to make sure that it's clear. You have never  
20 restricted access to Cynthia Glenn since the January  
21 15th Order of Judge Southerlin?

22 A. That is correct.

23 Q. That's correct. Okay. Have you done anything to  
24 restrict vehicle access to the property since?

25 A. It's been alleged that I dug a grave in order to

1 prohibit vehicle access. The fact of the matter is,  
2 graves are going to fill that entire area. That's our  
3 intent. For every bit of usable space to eventually be  
4 used for burial. That's why there's not a road there.  
5 It's a burial -- it's burial space; all of it. That  
6 driveway has space for probably three hundred to four  
7 hundred graves. We would be remiss in our ministry duty  
8 if we did not use that space for burial. It's been  
9 given to us for that purpose.

10 Q. What you mentioned, the driveway, you're actually  
11 talking about what is beyond the gate?

12 A. Yes.

13 Q. So if we're coming from Edwards Road, you would  
14 be met with the gate and no trespassing signs. And then  
15 prior to what you mentioned, the allegations and the  
16 injunction, you were beginning to dig graves on the  
17 opposite side? Within the boundaries of what you call  
18 Saluda Rest; is that correct?

19 A. Correct. Everything past the gate is burial  
20 ground.

21 Q. Do you have any intentions on the opposite side  
22 of the gate? Would you potentially ever build something  
23 or pave or do something to make vehicle access? Or  
24 would you potentially build something else on the  
25 opposite side of the gate as it goes towards Edwards

1 Road?

2 A. From the gate toward Edwards Road, we're  
3 intending to put a residence there, a -- what do they  
4 call it? A care giver residence there for the burial  
5 ground, so that people have to check in. So they can't  
6 just drive in. It's going to be blocking vehicle  
7 access. There's fifty-five foot of that line right  
8 there between Edwards Road and where it opens up. And  
9 there's plenty of room there to put a residence. And  
10 that's exactly what we intend to do.

11 Q. If you place that there would you still require  
12 people to, you know, be granted permission first to come  
13 at a certain time on a certain day? Or is it -- is  
14 there another intention there?

15 A. Well, we allow people pretty wide leeway in, you  
16 know, selecting the time they want to come. As long as  
17 they give us a little advance notice, we can usually  
18 meet their needs and we'll bend over backwards to try to  
19 give them access when they call ahead of time. We can't  
20 always do that. Like we've already discussed, there are  
21 weather conditions and operational conditions where it  
22 is not conducive to visitation. But we always want  
23 people to visit. But vehicle traffic is not part of our  
24 intention at all.

25 Q. So in this action, you filed a -- part of this is

70

1     you filed a declaratory judgment action. What is it that  
2     you're -- what expressly are you asking for from this  
3     Court?

4     A.     I'm asking the Court to restrict Ms. Glenn's  
5     access to our property by vehicle. That she not be able  
6     to bring tools and do work at the grave site that's not  
7     authorized. We have no problem with her maintaining the  
8     grave site, as long as it's -- she asks to do it and  
9     tells us what she's doing and gets us to approve it. We  
10    want people to take care of the grave sites. We have no  
11    problem with Ms. Glenn coming on the property and doing  
12    the work at the grave site. But we do have a problem  
13    with the way she has forced herself in without  
14    permission and made it very clear she doesn't think we  
15    have the ability to restrict her access. And you know,  
16    so I would ask the Court to restrict her vehicle access  
17    and to make her ask permission and give us notice when  
18    she's going to be on the property. To recognize that we  
19    are a private property. That we are not a public  
20    facility. And that we have the right to restrict access  
21    on public -- I mean on private property.

22    Q.     So you would ask the Court to declare that as a  
23    private or religious ministry organization and private  
24    property owner that you would be allowed to restrict  
25    access; is that correct?

71

1       A.       Yes. I would love for this Court to make a  
2       designation that we are a church. We already have been  
3       granted that exemption under the statute for a church by  
4       the South Carolina Revenue Department, specifically in  
5       the letter granting us exemption, they cite the statute  
6       that says we're exempt as a church and burial ground.  
7       And we would like the Judge to concur with that and so  
8       he would memorialize it so this does not happen to us  
9       again. The LLR has already dismissed her complaint  
10      using the public access to cemeteries statutes and the  
11      burial board, they have reviewed all the same complaints  
12      that she's making in her court case and they have  
13      dismissed it and said that they're wishing us a good  
14      day. Because none of those statutes apply to us because  
15      they recognize us as a church.

16     Q.       So you did receive a letter and notification on  
17     the LLR from the Professional Care Cemetery Board saying  
18     that you -- they dismissed the complaint that was filed  
19     against you because you're not under their purview; is  
20     that correct?

21     A.       That is correct.

22               MR. DODD:                               I don't have any  
23     other questions at this time, Your Honor.

24               THE COURT:                              All right. Your  
25     witness, Ms. Glenn.

72

1 MS. GLENN: Can I use the corner  
2 of that table? Is that okay?

3 THE COURT: Yes, ma'am.

4 CROSS EXAMINATION

5 BY MS. GLENN:

6 Q. This is the Order from this Court relating to  
7 this property, 113 Edwards Road.

8 A. Uh-huh (affirmative).

9 MS. GLENN: And I would like to  
10 state for the record that I feel like it was very unfair  
11 that that wasn't disclosed to me prior to today.

12 Do you need a copy of that?

13 Q. It's twenty-five pages long. An Order is twenty-  
14 five pages long. Nowhere in this Order does it say  
15 anything about it being a ministry. I'm going to have  
16 you read what it does say. If we look at page four, it  
17 talks about TOMAR, which is what you were calling the  
18 property. Can you read the underlined there for me?

19 A. The name TOMAR comes from the names of the  
20 Defendant Thomas and Martha his late wife. Testimony  
21 revealed that their collective intent and purpose was to  
22 establish TOMAR as a home place where the parties could  
23 be self-sustaining and live off the land if need be.

24 Q. So can you tell me the date that this was signed  
25 here? I'm going to turn to it for you.



1 A. It says 9/7/05.

2 Q. So 9/7/05, this was not Saluda Rest; this was  
3 TOMAR and was owned by your father?

4 A. Yes. That's what we called it. It was never  
5 designated legally like that. That's just a name that  
6 my parents used on all their camping equipment and stuff  
7 as that.

8 Q. I understand. It's cute, Thomas and Martha.  
9 It's cute.

10 A. It wasn't on the deed; I'll just say that.

11 Q. Sure.

12 A. Saluda Rest was by deed.

13 Q. Sure. But at the time of the Order that's what  
14 y'all called it?

15 A. Well, yeah.

16 Q. Let's see. And then this Court recognized that  
17 particular property as being what kind of cemetery?

18 A. I don't know what the ...

19 Q. This is one -- Mr. Dodd, I'm sorry. This is on  
20 page 16, the top paragraph. So it's talking about that  
21 property.

22 THE COURT: This is still part  
23 of the 2005 Order; is that correct?

24 MS. GLENN: Yes, sir.

25 THE COURT: Okay. Thank you.

74

1 MS. GLENN: We're still on that.

2 A. Was at the time of his going on the land in 1983,  
3 an undeveloped, overgrown, rural mountain tract now  
4 supports three separate liveable structures, a septic  
5 system, an ingenious water system and the family  
6 cemetery.

7 Q. So it was deemed a family cemetery in 2005?

8 A. That's how the Judge described it; yes.

9 Q. And then -- I've gotten almost up here -- but if  
10 we turn to page twenty-two, an easement was granted to  
11 the family cemetery, as well. Can you read the  
12 underlined things here?

13 A. Defendant is granted a permanent easement to  
14 visit the cemetery where his wife and son are buried.  
15 No specific route will be marked in that the only way to  
16 the cemetery is by way of a steep service road. Upon  
17 Defendant's death, the easement shall expire. Should he  
18 desire the Defendant -- talking about my father as the  
19 Defendant -- the Defendant may be buried in the cemetery  
20 plot. The Court further recognizes that due to  
21 Defendant's physical limitations and abilities, that  
22 someone will have to transport or carry him to the  
23 cemetery site.

24 Q. So in 2005 this was your family's land. You  
25 called it TOMAR, nothing about a ministry, not called

75

1 Saluda Rest?

2 A. That's not true. If you'll read in there, you'll  
3 see where there was a dispute about baptisms being  
4 carried on at that time. It's in that paperwork.

5 Q. I don't recall seeing that.

6 A. It's in there. My father actually tried to  
7 prevent us from baptizing on the property.

8 Q. But you didn't own it in 2005; correct?

9 A. I had equity in it.

10 Q. So if it pleases the Court, you said that the  
11 signs -- you just said that the signs are to let people  
12 know what you do?

13 A. It's to let them know that they need to call for  
14 access; that it's private property.

15 Q. You said the signs were to let people know what  
16 you do. There are signs in front of Saluda Rest; is  
17 that not true?

18 A. Well, we do have signs at the 113 and the 177  
19 address, if you want to be specific, because there are  
20 several signs.

21 Q. That's right. There's a lot of signs actually.

22 A. Uh-huh (affirmative). Probably half a dozen.

23 Q. Yeah, there's a lot. So but how many different  
24 d/b/a's do you have? How many different names do you go  
25 by?

- 1 A. I go by Kenneth Curtis.
- 2 Q. Does the property that we're referring to go by?
- 3 How many different names are out there?
- 4 A. I guess it's -- I'm not sure what you're
- 5 referring to. I don't even know what a d/b/a is.
- 6 Q. Doing business as, I think yours says ---
- 7 A. We don't do business. Let me just say that. We
- 8 are not a business.
- 9 Q. So how many different names do you think? How
- 10 many different names are on the signs?
- 11 A. Well, as far as I know it's just Saluda Rest. We
- 12 have one sign that says Saluda Rest Natural Burials and
- 13 Ministries and Preserve.
- 14 Q. So the deed we've already talked about said it
- 15 was given to you as a charitable gift. The deed just
- 16 said Saluda Rest.
- 17 A. It says Kenneth Curtis, Saluda Rest.
- 18 Q. Yeah, for the benefit of Kenneth Curtis; yes. So
- 19 these are some signs. How many signs do you see there?
- 20 A. On which picture?
- 21 Q. The first one?
- 22 A. This one?
- 23 Q. So that's out in front of 113?
- 24 A. That's correct.
- 25 Q. And what does that sign say?

1 A. Says Saluda Rest Preserve Natural Burials and  
2 Ministries.

3 Q. All right. I think this is the same one, so I'm  
4 not going to do that one. How many signs can we see in  
5 that picture? One, two, three, four; and that one is  
6 this one; right?

7 A. Yeah. I don't know whether you would call that a  
8 sign so much, but okay.

9 Q. What is this?

10 A. That is an information sign.

11 Q. Right. And so that's on a gazebo-type structure?

12 A. It's actually an old covered bridge. There used  
13 to be a covered bridge on the property. That is a mock-  
14 up of a covered bridge that I built out of the wood  
15 that's on the property. We put it there as a landmark  
16 and a place for people to stop and see what we do, and  
17 to rest and enjoy the property.

18 Q. Right. So it's right on the road and you can go  
19 on there and you can find out more stuff about Saluda  
20 Rest; right?

21 A. Correct.

22 Q. And then this one is like a picture, but I feel  
23 like you know what it says. What does that say?

24 A. It says pine box burials.

25 Q. And what does the first line say?

78

- 1 A. I think it says low cost, pine box burials.
- 2 Q. Okay.
- 3 A. Uh-huh (affirmative).
- 4 Q. And then there's another one by the actual gate
- 5 in front of the driveway where your car is.
- 6 A. Uh-huh (affirmative).
- 7 Q. And that one says Saluda Rest?
- 8 A. It does. It also says silver and gold have I
- 9 none, but such as I have give I thee, in the name of
- 10 Jesus Christ, with an Acts reference.
- 11 Q. Right. So we've got Saluda Rest Preserve Natural
- 12 Burials and Ministry, low cost burials, Saluda Rest
- 13 Natural Burial, and then there's a third one. And then
- 14 there's another one there.
- 15 A. That's free and open river baptism sign. Is that
- 16 what you're referring to?
- 17 Q. Uh-huh (affirmative). Another sign.
- 18 A. That's correct. We put that up almost every
- 19 summer when we're having summertime baptisms.
- 20 Q. All right. So we've already presented into
- 21 evidence from the Facebook page -- I'm sorry, I thought
- 22 I had it really quick with me, Your Honor.
- 23 A. You forgot to read the top part that says blessed
- 24 are they that mourn ---
- 25 THE COURT: Thank you, sir.

79

1 She's asking questions. You can answer them. We've  
2 going to move it on along.

3 MS. GLENN: I'm sorry. If it  
4 wasn't so important, I would skip it. Relates to  
5 summary judgment.

6 MR. CURTIS: Your Honor, may I  
7 get a drink of water, please?

8 THE COURT: Certainly. My  
9 bailiff will get it for you.

10 MS. GLENN: It would be Exhibit  
11 1 in the motion for summary judgment? I feel like I'm  
12 going to come across it again in a second. So maybe we  
13 can come back to that.

14 Q. So you have all of those welcome signs and then  
15 we discovered this one up there. What does that one  
16 say?

17 A. I don't see any welcome signs. If you'll point  
18 that one out, I'll be glad to talk about it.

19 Q. Inviting signs. I'll rephrase. Thank you.

20 A. It says warning, no trespassing without express  
21 permission of landowner. You must call -- it's got my  
22 phone number -- to receive access code for every entry  
23 or you will be charged for trespassing. And that is at  
24 the gate at 177.

25 Q. Uh-huh (affirmative). And so this was already

80

1 presented to the Court. I couldn't find it. That's two  
2 different screen shots we were able to find. So the  
3 first one, can you read the date for me there?

4 A. It's 4:20 p.m., 12/6/19.

5 Q. And the name of the business there?

6 A. Saluda Rest Preserve Natural Burials and  
7 Ministries.

8 Q. And the categories that you're listed under?

9 A. Well, let me just say that we don't pick those  
10 categories. That is a Facebook prompt that you must  
11 pick one of those. But it says religious organization,  
12 funeral service and cemetery park.

13 Q. Okay.

14 A. So it's a religious organization, is what we  
15 chose that for; not the funeral service or cemetery  
16 park.

17 Q. But you can change them?

18 A. No, you can't. In order to post you have to  
19 choose this on the Facebook site.

20 Q. Uh-huh (affirmative). So now we have another  
21 one. And what's the date of that one?

22 A. 10/4/2020.

23 Q. And the name on it here?

24 A. Saluda Rest Preserve Natural Burials and  
25 Ministries.



- 1 Q. And now what's your category?
- 2 A. Religious organization park.
- 3 Q. Aha, but not a cemetery or a funeral service;
- 4 right?
- 5 A. Again, it's a Facebook prompt. You must choose
- 6 one.
- 7 Q. Right.
- 8 A. That one that they have.
- 9 Q. You chose four and then you removed two?
- 10 A. Quite actually I didn't choose any of them.
- 11 These were done by my wife. I don't do any Facebook
- 12 work. I can't -- I don't even know what the Face --
- 13 I've never done any work on the Facebook site other than
- 14 writing it and having the people that know how to do
- 15 Facebook post it.
- 16 Q. So that Facebook page was opened in 2012?
- 17 A. I don't know what date we opened it.
- 18 Q. And so it was opened for an extended amount of
- 19 time under the heading of cemetery and ---
- 20 A. I don't see cemetery anywhere on here.
- 21 Q. Right there.
- 22 A. Okay. Cemetery. And cemetery.
- 23 Q. And funeral services?
- 24 A. Sure.
- 25 Q. Okay. So I found this on -- it's a funeral

1 resource center and you're on it.

2 A. Okay.

3 Q. What does it say that you are there?

4 A. This is from 2016, New Hampshire Funeral  
5 Resources Education and Advocacy. I have no idea who  
6 these people are. As far as I know I've never  
7 communicated with them. It says Saluda Rest Preserve  
8 Natural Burials and Ministries.

9 Q. And then underneath it, what is your category?

10 A. Natural burial preserve. You'll notice there's a  
11 difference between nature preserve cemetery and natural  
12 burial preserve.

13 Q. I don't notice that at all.

14 A. You should notice it. You speak English.

15 THE COURT: Let's move -- ask  
16 the question, answer the question, keep going.

17 Q. All right. So then we have a Linked In. And  
18 what is your name on that one?

19 A. Kenneth Curtis.

20 Q. And then underneath it, the director at ...

21 A. Saluda Rest Ministries Natural Burials.

22 Q. And then we have Better Business Bureau.

23 A. I did not do the Linked In site. Didn't do the  
24 Better Business. But what do you want me to read about  
25 the Better Business Bureau?

1 Q. All right. Read what the Better Business thinks  
2 you are?

3 A. I don't know what they say they (verbatim) are.  
4 Where is it?

5 Q. Well, you can read it, can't you?

6 A. I'm looking. Saluda Rest Natural Burial and  
7 Preserve.

8 Q. I've lost count of who I'm giving them to. I'm  
9 sorry.

10 A. I can't control what other people call us.

11 Q. A lot of people seem to think the same thing I  
12 thought.

13 A. I haven't heard any.

14 Q. All right. Then we've got this one. This one is  
15 pretty good. So this is the Natural Burial Cemetery  
16 guide. It's all-inclusive. I just printed up all the  
17 South Carolina nature preserves. There are some lovely  
18 ones here. So we've got one in Marietta; one is Swansea  
19 and one in Westminster. Now I'll get to you. Okay. So  
20 let's read the burial containers portion.

21 A. I did not write this, but okay. Saluda Rest uses  
22 an onsite saw mill to handcraft burial caskets from  
23 trees removed during land maintenance. Family may use  
24 one of these or bring their own if it is made from  
25 natural biodegradable materials. Keepsakes may be

1     buried with body.

2     Q.       All right. And then care and maintenance?

3     A.       Grave sites are bushhogged -- brushhogged is what

4     they say, but it's supposed to be bushhogged -- to

5     control unwanted growth. Other work is done as needed

6     to rehabilitate the land and provide access for visitors

7     to preserve the grave sites.

8     Q.       And let's see.

9     A.       I don't even know what you're having me read

10    from. You could have written that yourself, as you

11    accused me of doing.

12    Q.       It's public access. I encourage you to look it

13    up. It's really nice.

14               THE COURT:                   All right. Both of

15    you ---

16               MS. GLENN:                   I'm sorry, Your

17    Honor.

18               THE COURT:                   Y'all squabble on

19    your time outside of the courthouse. This is a court of

20    law. Rules of evidence apply. Editorial comments from

21    both of you are simply not in place.

22               MS. GLENN:                   Yes, sir.

23               THE COURT:                   Let's move on.

24    Q.       All right. So can we read graves and story.

25               MR. DODD:                   Your Honor, I'm

1 going to object to ---

2 THE COURT: On what basis?

3 MR. DODD: Well, she doesn't  
4 authenticate any of these documents.

5 THE COURT: Overruled. Go  
6 ahead.

7 A. Family and friends may dig graves if they wish,  
8 but it is hard work and the cemetery generally does it  
9 with a backhoe. Participation by filling in the grave  
10 is encouraged. The cemetery keeps a few graves open.  
11 Family can choose from these or have grave dug in the  
12 area of their choice. Is that what you wanted me to  
13 read?

14 Q. Yes. Was it both of them? No, this one.

15 A. Story. When Kenneth Curtis's mother knew she was  
16 going to die about fifteen years ago, she wanted to be  
17 buried on the family land in a simple box made from one  
18 of their trees. When his brother also died, Kenneth  
19 became the steward of the family land. He oversaw the  
20 formal creation of the non-profit ministries and burial  
21 ground. Because we believe in the good stewardship of  
22 what God has entrusted to us, Kenneth says, Saluda Rest  
23 seeks to use its lands, labors and blessings to meet the  
24 needs of people by providing for natural burials.  
25 Baptisms are also performed in the river that runs

1 alongside the preserve. Kenneth calls his approach to  
2 what he makes a point of being natural burial, as  
3 genuine old style preacher, in a pine box, in the woods  
4 burial. The Lord called me to be a burial director.  
5 We're hoping to bring back the responsibility for burial  
6 that the church gave up to funeral directors. Ministry  
7 to the living, commiseration with the grieving, burial  
8 of the dead with honor and respect, land conservation  
9 and care of the poor are not abstract biblical concepts  
10 but rather our calling to His service.

11 Q. Mr. Curtis, what's a burial director?

12 A. Somebody that knows what it takes to bury a body,  
13 I suppose, and can help people do that.

14 Q. Is that different than a funeral director?

15 A. I'm sorry?

16 Q. How would that be different than a funeral  
17 director?

18 A. A funeral director is responsible for all the  
19 contracting from cemeteries -- excuse me, I've got a  
20 cramp in my leg; I've got to stand for a second. A  
21 funeral director is responsible for contracting with a  
22 party to see to the needs of the family and make sure  
23 their burial is done in accordance with the laws and  
24 regulations and -- I mean the pages for what a funeral  
25 director is responsible for is probably hundreds of

1 pages thick.

2 Q. So what's the difference -- I'm not understanding  
3 -- between funeral director and burial director?

4 A. Well, a funeral director is a licensed physician  
5 just like an attorney. And a burial director is a title  
6 I've given myself to explain what I do.

7 Q. Okay. So like a lay funeral director?

8 A. I'm sorry?

9 Q. Like a lay funeral director?

10 A. No. Like somebody that knows how to bury a body  
11 through experience.

12 Q. All right. Are there licensed burial directors?

13 A. No. Not that I know of.

14 Q. So I have the -- what you have to do to qualify  
15 for an exemption under the Perpetual Care Cemetery Act.  
16 It's stated natural preserve exemption requirements.  
17 Now if I could just get you to read that.

18 A. Cemetery Rules and Regulations. This is from the  
19 Perpetual Care Cemetery Act. Be owned by or operated in  
20 conjunction with a government agency or a non-profit  
21 conservation organization that is recognized by the  
22 Internal Revenue Service as a public charity and in  
23 business for at least five years. The conservation  
24 partner. The conservation partner must have legally  
25 binding responsibility for perpetual stewardship of the

1 land. Again, it's the Perpetual Cemetery Act is what  
2 this is under. Perpetual ---

3 Q. No, this is the nature preserve.

4 A. It's under the Perpetual Cemetery Act. Perpetual  
5 stewardship -- that's what they're talking about -- of  
6 the land, both in the operational facility and the  
7 conservation areas and must set all conservation  
8 policies and utilize deed restriction if operator is a  
9 non-profit conservation organization that has been  
10 established for at least five years or conservation  
11 easement that incorporates these standards. A  
12 conservation easement must also conform to all the  
13 provisions of the Internal Revenue Code Section 170(h)  
14 and provide for public access to and through the site,  
15 particularly in -- connected to adjoining protected open  
16 space to the extent public use of the property is  
17 compatible with ecological goals.

18 Q. So again, I want you to read the title, 2127.

19 A. You just read it, but it's 2127.

20 Q. And the title?

21 A. Nature preserve exemption requirements.

22 MS. GLENN: This is already  
23 submitted to the Court.

24 Q. And so when I sent you a subpoena for  
25 interrogatories, I asked you for your integrated pest



89

1 management policies -- a lot of those things -- non-  
2 profit conservation organization, biological evaluation,  
3 local plants. I asked you for all of those, but you  
4 didn't really produce anything. Is this what was given  
5 to me? Is that the ---

6 MR. DODD: I'm sorry. Are you  
7 asking me a question?

8 MS. GLENN: Oh, yes. I'm sorry.  
9 I just want to verify that.

10 MR. DODD: I don't believe I'm  
11 required to respond to that.

12 MS. GLENN: It's a response to a  
13 subpoena.

14 Is it for him? Is the question for Mr. Curtis or  
15 for Mr. Dodd? I just want to make sure that the Court  
16 knows this is the full and complete response to the  
17 subpoena. I don't know if that's a question for Mr.  
18 Dodd or for Mr. Curtis.

19 THE COURT: Of course, I can't  
20 tell you who you need to ask questions to. If you wish  
21 to have that marked as an exhibit, you can hand it to my  
22 court reporter.

23 MS. GLENN: Do you believe that  
24 that is the subpoena response in full, Mr. Dodd?

25 MR. DODD: I'm not required to

1     answer that question, Ms. Glenn.

2     Q.     Do you believe that's the subpoena response in  
3     full? Can you look at it, please?

4     A.     It's got my name on it and your name on it. I  
5     would imagine it's correct.

6     Q.     So of all the names that we went over, Saluda  
7     Rest Reserve, all those things, and Saluda Rest and  
8     Saluda Reset Ministries, are any of those incorporated?

9     A.     No. We don't believe in incorporation. The very  
10    word has corp in it, corpus. It comes from a -- it  
11    means dead body, corpus. So we are not a dead body. We  
12    are a lively body in Christ.

13    Q.     Now, you have testified that I was held in  
14    contempt or something for the driveway; is that correct?

15    A.     I'm charged with contempt. You have alleged that  
16    I am in contempt for digging a grave on my property.

17    Q.     I was actually talking about your accusation of  
18    me harming the driveway and then me having to pay  
19    restitution for that. Do you remember that?

20    A.     What does that have to do with the contempt?

21    Q.     I think ---

22                 THE COURT:                     I think what she's  
23    referring to is in the magistrate's court Order.

24    A.     What question are you asking me about that Order?

25    Q.     So do you recall you saying that I caused damage

1 to your driveway and that I -- in magistrate court --  
2 and then I had to pay restitution for that?

3 A. You did not cause damage to the driveway. You  
4 caused damage because you drove off of the standard area  
5 that we allow people to travel on to and from the grave  
6 and drove across the main area that we had just prepared  
7 and landscaped in detail. Not only did you do it once;  
8 you did it twice after being told about it.

9 Q. You're not answering the question, Mr. Curtis.

10 A. You're asking me the question and I'm answering  
11 it.

12 Q. What was brought up -- I'm sorry. We'll just  
13 skip over that. So Secretary of State. You had stated  
14 that you got a letter from the Secretary of State that  
15 said that you were -- let's see -- not subject to being  
16 registered.

17 A. Yeah. We're not required to register as a non-  
18 profit.

19 Q. I don't see that letter.

20 A. Okay.

21 Q. Well, it's not been submitted.

22 A. Okay.

23 Q. So if your defense is that you don't have to  
24 register, do you have that letter?

25 A. Did you subpoena the letter?

1 Q. I mean I could read the subpoena again. But I  
2 mean if your defense is that you're not required to  
3 register, it would be nice to have a letter.

4 A. I don't solicit funds and we don't do anything in  
5 donations over the amount, which I think is three  
6 thousand dollars, but I'm not really sure. It's way  
7 outside of what we do financially, so we're not required  
8 to file with the Secretary of State. We've had many  
9 conversations with them because of your complaint to  
10 them, and they have dismissed it, and that's it.

11 Q. How do you know that was my complaint, Mr.  
12 Curtis?

13 A. Because we filed FOIs. Would you like to see  
14 them?

15 Q. We're going to get to it because I'm going to  
16 tell you where it came from. All right. So this is  
17 2014 -- I'm sorry, 2013. Can you tell me the name --  
18 this is -- tell me what it says?

19 A. South Carolina Secretary of State, Charity Filing  
20 History Record.

21 Q. And then what's the date?

22 A. 12/31/13.

23 Q. And the name on this application?

24 A. Saluda Rest Ministries.

25 Q. Then you were trying to file -- can you read what

1     that says that you filed as?

2     A.     It's got an x mark next to the charitable  
3     organization that does not intend to solicit or receive  
4     contributions from public in excess of seventy-five  
5     hundred dollars during a calendar year.

6     Q.     Seventy-five hundred dollars is your maximum for  
7     this ---

8     A.     To solicit donations; correct.

9     Q.     I'm sorry. I don't understand that.

10    A.     Soliciting donations; asking for donations.  
11    Soliciting in general. Asking for general donations.

12    Q.     Soliciting donations or receiving donations?

13    A.     Soliciting.

14    Q.     Oh, so you can receive more than that, you just  
15    can't ask for more than that?

16    A.     That's the wording of the document.

17    Q.     Oh, good deal. All right. What was the address  
18    there that says is the physical address?

19    A.     113 Edwards Road. That is our mailing address.  
20    I don't consider it two different parcels. I consider  
21    this to be one property of Saluda Rest. Because it was  
22    deeded at separate times does not mean it's separate  
23    property. If it'll solve the problem for you, I'll be  
24    glad to have it designated as one.

25    Q.     All right. So then the next year another letter

1 from the Secretary of State. Can you read that date  
2 there?

3 A. April 2, 2014.

4 Q. And then this, what was that physical property?

5 A. I don't even know what that document is other  
6 than charity physical address.

7 Q. I FOI'ed it. So it's the physical address is how  
8 you filled it out online?

9 A. I didn't fill that out. I'm not -- I don't think  
10 I filled that out. But it's 177 Edwards Road, is the  
11 address given on the paper.

12 Q. Can I move some of this for you? Are you okay  
13 with ---

14 A. I'm fine with it.

15 Q. So you wrote a letter to the Secretary of State's  
16 office on -- what date is this?

17 A. It is 2/13/20, answering their, answering their  
18 request for information from us regarding your  
19 complaint.

20 Q. So just read the highlighted section there for  
21 me.

22 A. There is currently a case between Ms. Glenn and  
23 Saluda Rest in Equity Court that will conclusively  
24 decide this issue and make moot any claim of hers to the  
25 contrary. You should withhold any decision by your

1 office until such time as the judge makes it easy for  
2 you.

3 Q. So it sounds like you're asking them to wait on  
4 their decision? I haven't seen a decision. Have you  
5 seen a decision?

6 A. I'm not telling them to wait. I'm telling them  
7 the judge will make it easy for them.

8 Q. All right. So do you give receipts for burials?  
9 I know we asked this in the last ---

10 A. I certainly do when they're asked for.

11 Q. You give receipts for burials?

12 A. Absolutely.

13 Q. Oh, that's interesting. And so did you give me a  
14 receipt?

15 A. You didn't ask for one.

16 Q. I don't know how to say it without testifying, so  
17 ... So when you give people receipts are they able to  
18 use that as a charitable tax-free deduction?

19 A. Yes, they are, just as if you give money to your  
20 church, you pay tithes, you can deduct that from your  
21 taxes. Absolutely.

22 Q. So ---

23 A. If you donate to a church it's a charitable  
24 contribution that is tax deductible.

25 Q. Without you being registered, you're giving

1     receipts and they're able to write it off as a tax -- on  
2     their taxes?

3     A.     Yes.   yes.

4     Q.     All right.   I've got other testimony to go  
5     through.   All right.   So we've got two lots of land here  
6     under the name of Saluda Rest, just Saluda Rest; right,  
7     nothing else?   Just Saluda Rest?

8     A.     No.   It's got my name on the title.   I don't know  
9     if ---

10    Q.     Yeah, for the benefit of Kenneth Curtis, Saluda  
11    Rest is the name on this one and what we think is that  
12    one?

13    A.     No.

14    Q.     No?

15    A.     Look at the one that says Childs on it.

16    Q.     This one?   This one?

17    A.     Correct.

18    Q.     Okay.   And they say just Saluda Rest.   But  
19    there's another property; isn't there?

20    A.     There are several properties.   I don't know what  
21    you're -- I actually own three properties under the  
22    title of Saluda Rest.

23    Q.     All right.   And it can be seen on here?

24    A.     Yes.

25    Q.     But it's not marked?



1 A. Well, we just acquired it. My nephew has now  
2 acquired my father's portion that the Court awarded to  
3 my father, plus the parcel between that and Edwards  
4 Road.

5 Q. But this time it's deeded under a different name;  
6 correct?

7 A. Which?

8 Q. Well, this one right on the map down here.

9 A. No, it's deeded to Saluda Rest.

10 Q. Saluda Rest what?

11 A. I really haven't even seen the title yet. Saluda  
12 Rest Natural Burials and Ministries.

13 Q. Right. But these say Preserve and now we're  
14 changing the name again. It doesn't say Preserve any  
15 more?

16 A. Okay. It's a private preserve. There's all  
17 kinds of preserves, you know.

18 Q. Don't want to banter any more. All right. So  
19 the Cemetery Board investigated you and they dropped it.  
20 The Perpetual Care Cemetery Board investigated you and  
21 they ---

22 A. The Labor, License and Regulation Department;  
23 yes.

24 Q. So what we have here is a letter from the  
25 Department of Consumer Affairs?

1 A. Uh-huh (affirmative).

2 Q. And so it's -- can you read who it's from?

3 A. State of South Carolina, Department of Consumer  
4 Affairs.

5 Q. Right. And then the sentence beginning with  
6 please?

7 A. Please be aware that Code Section 37-6-17(h)  
8 requires agencies to attempt to voluntarily resolve a  
9 complaint arising out of a transaction with a person who  
10 is subject to the regulatory enforcement jurisdiction of  
11 such agency.

12 Q. So ---

13 A. Is that what you wanted me to read?

14 Q. Yeah. So Consumer Affairs sent the letter to the  
15 Cemetery Board; correct?

16 A. Correct.

17 Q. Okay.

18 A. I guess. I'm assuming.

19 Q. But you were investigated by the Perpetual Care  
20 Cemetery Board; correct?

21 A. Correct.

22 Q. So I had to FOI this, too. But this is an  
23 investigation by Inspector Steve Gordon and it's  
24 accompanied by an interview. Can you read number 5 from  
25 Inspector Steve Gordon, please?

1 A. On August 6, 2019, Curtis, owner and operator of  
2 Saluda Rest Preserve Natural Burials and Ministries,  
3 indicated in a verbal statement that he does not  
4 complete any paperwork regarding the burials, and he  
5 maintains no files or records. Mr. Curtis confirmed  
6 that he also offers to transport the bodies and offers  
7 burial containers in exchange for donations.

8 Q. Okay. So no records. ... Natural Burials and  
9 Ministries, indicated in a verbal statement that he does  
10 not complete any paperwork regarding the burials,  
11 maintains no files or records. Okay. And then this is  
12 the interview that they conducted prior to. And it says  
13 that two people showed up. I'm assuming you remember  
14 that day?

15 A. Of course.

16 Q. Okay. So can we read that one?

17 A. Mr. Curtis stated if a donation could not be made  
18 the services would still be provided. Mr. Curtis stated  
19 he does not do burials but shows the family how to do  
20 it. Again, that's a burial director. I guess R.I. --  
21 I'm not sure what that means -- R.I. then inquired about  
22 seeing his facility and Mr. Curtis stated that I could  
23 not go on the property because this court case is still  
24 in litigation.

25 Q. So that says that you don't do burials. Is that

100

1     what that says? Is that what you told the inspector?

2     A.       I'm not sure what you're asking me.

3     Q.       Well, we just read and it said that you don't do  
4     burials, but that the family themselves does the  
5     burials.

6     A.       No. It says I show them how to do it.

7     Q.       Okay. But you don't do it? They do it  
8     themselves?

9     A.       They are in charge of the burial. Yes.

10    Q.       So does that mean digging the hole?

11    A.       If they want to. I assist them in any way that I  
12    can. If they can't -- a lot of times it may be an older  
13    person who's lost a loved one. They can't do the work.  
14    They're the only ones available. So, yes, I do the  
15    work.

16    Q.       It doesn't say that here. It says you told him  
17    you don't do it?

18    A.       I can't ---

19    Q.       Could you hear me? I'm sorry.

20    A.       That's not me writing it, and he interprets what  
21    he does. He's not here to testify, so ---

22    Q.       But you do help with burials; correct?

23    A.       Do I help with burials? Yes.

24    Q.       So we're not going to contest that ---

25    A.       That's me in the picture doing your husband's, I

1 believe.

2 Q. And so ---

3 A. Helping your family do that.

4 Q. So you do do burials?

5 A. Yes.

6 Q. Keeps coming up and it frustrates me, but who  
7 sued who, Mr. Curtis?

8 A. You sued me when I tried to get your trespassed  
9 and they refused to trespass you because they misread  
10 the statute.

11 Q. So can you read number 13 for me, please? This  
12 is your affidavit already submitted to the Court.

13 A. Defendant never requested any access to his  
14 property in writing or otherwise, but always demanded  
15 entrance at her convenience. Eventually Defendant filed  
16 a lawsuit against him for harassment. He then sought to  
17 enforce a no trespass notice against the Defendant which  
18 was not enforced by law enforcement. Thereafter he  
19 filed a Petition in North Greenville Summary Court  
20 seeking limitation on the Defendant's entry to his  
21 property. I don't believe that to be correct factually  
22 at all or sequential.

23 Q. That's your affidavit. I'm sorry. What is  
24 incorrect in the affidavit?

25 A. That you -- okay, wait a minute. Well, the

1     sequence is off. I first sought to enforce a no  
2     trespass notice against you before the lawsuit was  
3     filed. That's what triggered your lawsuit against me,  
4     is I was trying to get your trespassed when you forced  
5     your way past Mr. McDonald after I had sent you a  
6     trespass notice prepared by the magistrate court and  
7     informed your brother that I had sent it to you. And  
8     you came out immediately before you picked it up at the  
9     post office and trespassed on the property past Mr.  
10    McDonald telling you you could not.

11   Q.     That's been a while back, I believe. So it's  
12   still your testimony that I sued you?

13   A.     Yes.

14   Q.     All right. So ---

15   A.     Unless you consider a trespass notice suing you?

16   Q.     No, I don't.

17   A.     Well, then that's what came first.

18   Q.     Okay. So Kenneth Curtis, 113 Edwards Road is the

19   ---

20   A.     I'm sorry. What are you pointing to?

21   Q.     This word right here?

22   A.     Petitioner.

23   Q.     Okay. And Cynthia Glenn is the ...

24   A.     Respondent.

25   Q.     Okay. I'm sorry. Can you read the date that you

1 filed that?

2 A. I don't see it on there. Where is it?

3 Q. I had a hard time, too. It's kind of like at the  
4 bottom.

5 A. June 18, 2019.

6 Q. Okay. So then Judge -- looks like Judge Stokes  
7 signed that, same day. And then we go to an Answer  
8 which was filed by me. And can you read the date that  
9 that was signed?

10 A. The date on the document is the 19th day of June  
11 in 2019.

12 Q. And it is notarized?

13 A. It is notarized.

14 Q. Okay. So again this one is?

15 A. Is what?

16 Q. The date of that one is?

17 A. June 18th, 2019.

18 Q. And the date of that one is?

19 A. June 19th, 2019.

20 Q. So who sued who, Mr. Curtis?

21 A. You sued me, Ms. Glenn. Are you saying you  
22 didn't receive a trespass notice first? Is that what  
23 I'm supposed to be answering?

24 Q. We're not talking about the trespass notice. But  
25 I did not receive one. You are correct. So with the

104

1 motion for injunctive relief, I filed some pleadings,  
2 exhibits, about some ongoing problems that you had. So  
3 the biggest one, of course, ---

4 THE COURT: Ms. Glenn, what's  
5 the relevancy of where we're heading now to the issues  
6 in this particular lawsuit?

7 MS. GLENN: It's my belief, Your  
8 Honor, that because of his history and current problems  
9 with the law, and based upon the Code of Laws, that he  
10 will never be able to legally operate a nature preserve,  
11 cemetery, funeral home or funeral services.

12 THE COURT: All right. What  
13 you're asking for appears to be mainly administrative or  
14 non-judicial issues. I'm going to allow you to -- we're  
15 spending a lot of time on things I just, at this point,  
16 I may be wrong when you get into it more, I'm not sure  
17 are relevant to the issues in this lawsuit.

18 MS. GLENN: I believe it's very  
19 relevant, Your Honor, ---

20 THE COURT: Go ahead.

21 MS. GLENN: --- because we ---

22 THE COURT: Go ahead or I'm  
23 going to change my opinion.

24 MS. GLENN: Yes, sir.

25 Q. All right. So you know this one is the *State v.*



1     *Curtis* ---

2                   MR. DODD:                   Your Honor, if I may  
3     state an objection for the record. I would object to  
4     any introduction of evidence or testimony on this line  
5     of questioning related to anything in Mr. Curtis's  
6     history that she's about to bring up. These are  
7     criminal allegations, criminal activity. I would object  
8     pursuant to Rule 403 and 404, any character evidence or  
9     evidence prior as to Mr. Curtis simply is inadmissible.

10                  THE COURT:                  Under 609 isn't  
11     impeachment by evidence of a prior crime admissible?

12                  MR. DODD:                  Only for certain  
13     circumstances. If it's admitted to prove -- if it's not  
14     admitted to prove, you know, conformity with something  
15     that he's continuing to do or that he has a propensity  
16     to commit ---

17                  THE COURT:                  Okay. I'm going to  
18     overrule the objection. But I am going to tell you that  
19     under the law, the crime has to be punishable by more  
20     than one year and the probative value has to outweigh  
21     the prejudicial impact. So you have to establish what  
22     he was charged with, if it happened within ten years and  
23     that the punishment was -- could be in excess of one  
24     year.

25                  MS. GLENN:                  Okay. I do believe

1 we fit all those categories, Your Honor.

2 THE COURT: Well, you need to  
3 ask him those questions.

4 MS. GLENN: Okay.

5 THE COURT: Subject to your  
6 ongoing objection.

7 Q. So how many years -- I'm sorry. This is the  
8 *State versus Kenneth Curtis*. And what were you charged  
9 with and what were you convicted of?

10 A. I don't know. You want to tell me what you've  
11 got?

12 Q. You're not going to answer my question?

13 A. I don't know what you're talking about. You  
14 haven't shown me anything.

15 Q. The *State versus Kenneth Curtis* ---

16 A. Yes.

17 Q. --- and the facts of the case are -- why don't  
18 you just read the facts of the case there?

19 A. In 1994 Kenneth ---

20 THE COURT: With all due  
21 respect, we're not going to sit here and read through  
22 whatever that is.

23 MS. GLENN: I tried to get him  
24 to answer, Your Honor.

25 THE COURT: Sir, are you --

107

1     you're telling us that you don't know what you were  
2     charged with?

3             MR. CURTIS:                     No, sir, I didn't  
4     know what charge she was referring to.

5             THE COURT:                     Does this refresh  
6     your recollection?

7             MR. CURTIS:                     Yes, sir.

8             THE COURT:                     Okay. Now you  
9     answer.

10    A.     I was charged with distribution of urine. I'm  
11    the only person -- and this is something the Court is  
12    extremely well versed in because it was the subject of  
13    the prior case, as well, because this was brought up ---

14             THE COURT:                     Sir, if you will  
15    just answer the question. We're going to move this  
16    along a lot quicker.

17             MR. CURTIS:                     I'm sorry.

18    A.     I was charged with illegal distribution of urine.

19    Q.     And sentence was?

20    A.     I'm not sure what the sentence was, to be honest  
21    with you.

22    Q.     Did you go to jail, Mr. Curtis?

23    A.     I did.

24    Q.     So who is Mrs. Cortez?

25             THE COURT:                     I'm going to sustain

1 the objection since there's no evidence that his  
2 punishment was more than one year.

3 MR. DODD: Thank you, Your  
4 Honor.

5 MS. GLENN: I could look it up.

6 THE COURT: Ma'am, you're in the  
7 middle of your case. And as I told you earlier, you're  
8 held to the same standards ---

9 MS. GLENN: Yes, sir.

10 THE COURT: --- as any other  
11 lawyer.

12 Q. All right. Who is Maria Cortez?

13 A. She is an individual buried at Saluda Rest.

14 Q. Okay. And where is she buried at?

15 A. At Saluda Rest.

16 Q. In proximity to the drive, where is she buried  
17 at?

18 A. She's probably four hundred yards from the drive.

19 Q. Okay. But you did dig a hole for her, and where  
20 did you dig that hole for her that she was not placed  
21 in?

22 A. At her request, I tried to bury her just inside  
23 the gate in Saluda Rest burial ground, which the Judge  
24 prohibited me from doing because you wanted the Court to  
25 decide whether I had the right to do it.

1 Q. So if Ms. Cortez had been buried there could  
2 anybody have gotten past her?

3 A. Sure.

4 Q. With a vehicle?

5 A. Sure.

6 Q. Without driving over her?

7 A. Perhaps.

8 Q. Can you explain that to me, Mr. Curtis?

9 A. Depends on the kind of vehicle, I suppose.

10 Q. Okay. A four-wheeled -- a vehicle -- an  
11 automobile with four wheels ---

12 A. Uh-huh (affirmative).

13 Q. --- could that have gotten past Mrs. Cortez  
14 without driving over her? An adult size automobile?

15 A. The very intent of Ms. Cortez, in recognition of  
16 what we do and why we do it, was to place her grave  
17 there in order to prevent people from being able to  
18 drive on to the burial grounds of Saluda Rest.

19 Q. Okay. So you placed her there to prevent access?

20 A. She requested to be placed there because she  
21 understands the mission of and the purpose of Saluda  
22 Rest Natural Burials and Preserve. It is her -- it was  
23 her request before her death to contribute to the  
24 preserve. It is a private preserve and her desire was  
25 to prevent people like you from forcing their way onto

110

1 the property with a vehicle and damaging the graves  
2 there.

3 Q. So how long had it been since Mrs. Cortez had  
4 been to the cemetery before she passed?

5 A. She was under Hospice care for a couple of years,  
6 I think.

7 Q. Okay. So and when did she tell you that she  
8 wanted to prevent other people from going to the graves?

9 A. When I told her what you were doing.

10 Q. Okay. So you told her and she reacted based upon  
11 what you told her?

12 A. Yes.

13 Q. Okay. All right. So this is a letter of intent  
14 that was given to us. So what is the name on this  
15 letter of intent?

16 A. I don't know, it's blacked out. What are you  
17 talking about? Oh. Saluda Rest Preserve Natural  
18 Burials and Ministries.

19 Q. So what is this letter of intent for? What is  
20 its purpose?

21 A. That is something that we give to people when  
22 they want something to put in their files to direct  
23 their legal representative at the time of their death --  
24 they usually put it with their Will to express their  
25 desire to be buried at Saluda Rest and to abide by our

1 procedures and to ask their representative to comply  
2 with our procedures and bury them there at Saluda Rest.

3 Q. Okay. And then this little area here in the  
4 letter of intent?

5 A. I'm sorry. What are you asking me to read?

6 Q. This section that starts right here.

7 A. I want others to benefit from my burial by being  
8 able to visit my burial site in a natural forested  
9 preserve.

10 Q. So a preserve.

11 A. Yes.

12 Q. So people, prior to their death, are led to  
13 believe that there's a preserve and that other people  
14 will be able to visit. Is that the way I'm  
15 understanding that?

16 A. Sure. That's a correct understanding.

17 Q. Did you know that there's laws regarding letters  
18 of intent? They're called pre-made contract?

19 A. That's not a pre-made contract. Not even close.  
20 There's not a contract there. There's no contract  
21 between me and anyone signing that document. That is a  
22 request they make from their -- to their personal  
23 representative. There's no legal binding contract to  
24 that. It's a simply letter of intent. They are  
25 expressing their intent of wanting to be buried at

112

1 Saluda Rest. There's no contract between me and any  
2 party signing any of that document. I didn't sign it.

3 Q. Thank you, Mr. Curtis. We are going to introduce  
4 that evidence later.

5 A. Please.

6 Q. So this is -- it's already in evidence.

7 THE COURT: Ms. Glenn, let me  
8 make a point. You've been handing a lot of documents up  
9 on the rail to my court reporter. You have not offered  
10 any or sought to introduce any of them. So I just want  
11 to make sure you understand that you made a step towards  
12 introduction, but you have not asked that any of them be  
13 introduced.

14 MS. GLENN: Oh, I'm sorry. I  
15 failed to understand that process. Can we go back and  
16 do that?

17 MR. DODD: Your Honor, I was  
18 waiting for her to offer them into evidence before I  
19 stated my objection for the record, but at this time ---

20 THE COURT: We're going to take  
21 a five-minute break.

22 (WHEREUPON, the Court stood at recess for a short  
23 break.)

24 THE COURT: So, Ms. Glenn,  
25 you're going to need to go through every document and



113

1 remind the Court and opposing counsel what it is and  
2 then ...

3 MS. GLENN: Yes, sir, I  
4 apologize for that.

5 THE COURT: That's fine. Then I  
6 will issue my ruling on each and every document that  
7 you're attempting to produce once I hear from Mr. Dodd.

8 MS. GLENN: Defense Exhibit 3  
9 were the photographs and the screen shot from the Better  
10 Business Bureau and it's a photograph of the signs that  
11 we have covered.

12 THE COURT: Mr. Dodd?

13 MR. DODD: Thank you, Your  
14 Honor. I would object to these being introduced. They  
15 haven't been authenticated nor verified by anybody. Mr.  
16 Curtis identified portions of them, but I've never seen  
17 these documents before and I have no reason to -- I  
18 don't believe that she can satisfy that they're  
19 authentic in any way.

20 THE COURT: Well, he's  
21 identified them, so I'm going to overrule your objection  
22 on that ground.

23 (WHEREUPON, Defendant Exhibit Number 3 was marked  
24 and admitted into evidence.)

25 MS. GLENN: And then Defendant's

114

1     number 4 was the affidavit of the Secretary of State,  
2     Investigator Steve Gordon, along with the application  
3     made to the Secretary of State in 2013 and 2014.

4                     THE COURT:                     Mr. Dodd?

5                     MR. DODD:                     Same objection, Your  
6     Honor. We have no way to verify these documents. It  
7     hasn't been authenticated in any way. There's been no  
8     record that it came from someone who holds these records  
9     as a custodian of these records and it's not been  
10    authenticated. So I would object to these being  
11    introduced as evidence.

12                    THE COURT:                    Ms. Glenn, where did  
13    you obtain these records?

14                    MS. GLENN:                    I FOI'ed these  
15    records and I did make Mr. Dodd aware in interrogatories  
16    that I would be doing that.

17                    THE COURT:                    All right.  
18    Defendant's 4 I'll allow.

19                    MR. DODD:                    Your Honor, to be  
20    clear with regarding to the interrogatories and why my  
21    objection I believe is property is that her  
22    interrogatories stated that she was going -- that all  
23    public record documents were subject to being produced  
24    here. She did not give me a list of here are ten items  
25    I intend to use as evidence at trial. It said all

115

1 public record documents that anybody can find.

2 THE COURT: Ms. Glenn, when you  
3 received those documents was a copy sent to opposing  
4 counsel?

5 MS. GLENN: I did get a copy  
6 that they also had FOI'ed them from the Secretary of  
7 State. I have that somewhere if you would like for me  
8 to find it.

9 THE COURT: But when you  
10 received them did you send a copy of them to Mr. Dodd?

11 MS. GLENN: I did not because it  
12 says that they had received them. I got a letter from  
13 the Secretary of State that they also had requested  
14 them.

15 MR. DODD: I have not requested  
16 them nor have we ever received them.

17 THE COURT: Can I see the letter  
18 you're referring to, please, ma'am?

19 MS. GLENN: Yes, sir.

20 THE COURT: Can I also see the  
21 exhibit you're referencing?

22 MS. GLENN: This is the letter.

23 THE COURT: Ms. Glenn, when I  
24 look at the request, August 6, 2020, it simply is an  
25 acknowledgment by the Secretary of State that they have

116

1 received a request. It doesn't note that they have been  
2 produced. It just says it's going to cost a certain  
3 amount of money to have them produced. There's just no  
4 proof that the sixty-two dollars and eighty-five cents  
5 was ever sent in or that there was a fee waiver. So do  
6 you have anything other than this letter?

7 MS. GLENN: No. Just the  
8 knowledge that I told them we were going to do it and he  
9 did the same thing.

10 THE COURT: Okay. Then based on  
11 the objection, I'm going to decline to allow Defendant's  
12 4 simply because there's just no record that this is, in  
13 fact, everything that was sent or that the context is  
14 proper.

15 So Defendant's 4 will be made in the form of a  
16 proffer, which means that it will be part of the record  
17 on appeal, if there is an appeal, and then the appellate  
18 courts may look at this different than I do. But at  
19 this point I'm going to decline to allow Defendant's 4  
20 for the reason stated on the record.

21 (WHEREUPON, Defendant Exhibit Number 4 was marked  
22 and proffered for the record.)

23 MS. GLENN: Thank you, Your  
24 Honor.

25 Defendant Exhibit 5 is the magistrate court case,

117

1 first filing.

2 THE COURT: Mr. Dodd?

3 MR. DODD: No objection, Your  
4 Honor.

5 THE COURT: All right.

6 Defendant's 5.

7 (WHEREUPON, Defendant Exhibit Number 5 was marked  
8 and admitted into evidence.)

9 MS. GLENN: Defendant's Exhibit  
10 6 is the police report from the very first day that  
11 there was an incident at Saluda Rest on June 21, 2017.

12 THE COURT: Mr. Dodd?

13 MR. DODD: No objection to that  
14 one either, Your Honor.

15 THE COURT: All right.

16 Defendant's 6.

17 (WHEREUPON, Defendant Exhibit Number 6 was marked  
18 and admitted into evidence.)

19 MS. GLENN: Defendant's Exhibit  
20 7 is the subpoena and what was produced from that  
21 subpoena.

22 THE COURT: Mr. Dodd?

23 MR. DODD: No objection to that  
24 one either.

25 (WHEREUPON, Defendant Exhibit Number 7 was marked

118

1           and admitted into evidence.)

2           MS. GLENN:                   Defendant's Exhibit  
3   8 -- I'm sorry -- is the Order from this Court declaring  
4   property 113 and TOMAR with the Family Cemetery Act.

5           THE COURT:                   Defendant's 8.  
6           (WHEREUPON, Defendant Exhibit Number 8 was marked  
7           and admitted into evidence.)

8           MS. GLENN:                   That is everything  
9   that I have so far, Your Honor.

10          THE COURT:                   All right. Then you  
11   may resume your cross examination.

12                                   **CROSS EXAMINATION CONTINUED**

13   **BY MS. GLENN:**

14   Q.       So this is a Facebook post. And who is it from?

15   A.       Someone named Janice Talley Jenkins.

16   Q.       So these are comments beside a picture under  
17   Saluda Rest between somebody named Janice Talley  
18   Jenkins; is that what you're saying, Mr. Curtis?

19   A.       That's what you're saying, Ms. Glenn. I don't  
20   know what it is other than it looks like part -- it's a  
21   photograph with what looks like a scroll of the Facebook  
22   page.

23   Q.       Okay. So do you recognize that photograph at  
24   all?

25   A.       It looks like one of our burial containers. I

1 don't recognize the particular photograph, but it's  
2 possible -- it might even be on the website -- on the  
3 Facebook site. I don't know.

4 Q. So can you read the question and the response on  
5 this photograph?

6 A. I don't know if this is connected to the  
7 photograph, but I can read it.

8 Q. Okay.

9 A. How do the deceased get to you if a funeral home  
10 isn't -- this is from Janice Talley, excuse me, Janice  
11 Talley Jenkins. How do the deceased get to you if a  
12 funeral home isn't involved and how is there a viewing  
13 without -- it says imbolment (as written) but I assume  
14 they mean embalming. Just trying to understand the  
15 process. And the reply to that -- I guess it's the  
16 reply to that is Saluda Rest Preserve Natural Burials  
17 and Ministries is the heading. We are a full service  
18 burial ministry. After the responsible party releases  
19 the decedent's body for transporting, we pick up and  
20 transport the decedent from hospital, morgue or home if  
21 the decedent was under Hospice care. Because embalming  
22 is not part of the natural burial process, Saluda Rest  
23 does not offer open viewing prior to burial. We can  
24 suggest competent outside contractors to arrange  
25 assistance for dressing, hair and makeup if the family

120

1 desires it. Normally we ask the family to provide  
2 blankets or a quilt that we wrap the body in while  
3 placing in burial container. We can also accommodate  
4 placing of personal items in the burial container. We  
5 also work with any funeral home the family may desire to  
6 coordinate services.

7 Q. Does that seem like an accurate response to Ms.  
8 Janice based upon the services that you provide?

9 A. It does. It seems like a contradiction to what  
10 you claim in not being able to use a funeral director.

11 THE COURT: A simple yes or no  
12 would probably be a good answer.

13 A. Yes. It seems like a fair representation of what  
14 we do.

15 THE COURT: Thank you.

16 Q. Thank you, Mr. Curtis.

17 MS. GLENN: Can I present this  
18 as Defendant's Exhibit 9.

19 THE COURT: Mr. Dodd?

20 MR. DODD: No objection, Your  
21 Honor.

22 THE COURT: Defendant's 9.

23 (WHEREUPON, Defendant Exhibit Number 9 was marked  
24 and admitted into evidence.)

25 MS. GLENN: I have no further



121

1 questions, Your Honor.

2 THE COURT: All right. Mr.  
3 Dodd?

4 MR. DODD: I don't believe I  
5 have any further questions for this witness.

6 THE COURT: All right. Thank  
7 you, sir. You can step down.

8 Any other witnesses from Plaintiff?

9 MR. DODD: No, Your Honor.

10 THE COURT: Okay.

11 Ms. Glenn, how many witnesses do you anticipate?

12 MS. GLENN: We only have two  
13 witnesses with us, but we do have a good amount of  
14 information.

15 THE COURT: Well, the  
16 information can only come in through testimony, so  
17 candidly I don't know -- it's ten after three now. Mr.  
18 Curtis, it was estimated his direct and cross would take  
19 about an hour. It took two hours. I don't have a whole  
20 lot of hope we're going to be able to get this thing  
21 done in the next two, two and a half hours. So you tell  
22 me, do you have a shorter witness as opposed to -- I  
23 assume you're going to be the longest witness?

24 MS. GLENN: Well, I have my son  
25 and my brother.

122

1                   THE COURT:                   So then you have  
2   three witnesses, including yourself?

3                   MS. GLENN:                   No, I was calling --  
4   oh, yes, sir. Yes, sir.

5                   THE COURT:                   How long,  
6   realistically, would you anticipate your testimony  
7   going?

8                   MS. GLENN:                   Mine?

9                   THE COURT:                   Yes, ma'am.

10                  MS. GLENN:                   A few minutes. I  
11   hope to introduce the affidavits. I could read those  
12   again, but ...

13                  THE COURT:                   All right. Let's go  
14   ahead and see how we progress, if you'll call your next  
15   witness.

16                  **(TESTIMONY OF CYNTHIA GLENN NOT REQUESTED)**

17                  **(TESTIMONY OF JEREMIAH GEORGE WILLIS NOT REQUESTED)**

18                  **(TESTIMONY OF ISAIAH GLENN NOT REQUESTED)**

19                  MS. GLENN:                   Do I get a closing  
20   statement?

21                  THE COURT:                   If I don't  
22   understand it by now, that's my problem, not y'all's.

23                  MS. GLENN:                   Yes, sir.

24                  THE COURT:                   If I don't  
25   understand it by none of us have a chance at this.

123

1 MS. GLENN: I have no more  
2 questions, Your Honor.

3 THE COURT: Your witness.

4 MR. DODD: Thank you, Your  
5 Honor.

6 (TESTIMONY OF ISAIAH GLENN CONTINUED)

7 THE COURT: Ms. Glenn, anything  
8 else? Any other witnesses?

9 MS. GLENN: No, sir.

10 THE COURT: All right. Mr.  
11 Dodd?

12 MR. DODD: Your Honor, Ms.  
13 Glenn is finished with her case. I'd move at this time  
14 for a verdict in favor of the Plaintiff on all of her  
15 counterclaim causes of action as she hasn't stated any  
16 evidence to give the Court even an opportunity to make a  
17 ruling regarding any law as to her counterclaims of  
18 abuse of process, harassment, exploitation by  
19 misrepresentation of facts, they weren't even brought  
20 up. And so I would like ---

21 THE COURT: I'm going to take  
22 that under advisement.

23 MR. DODD: Thank you, Your  
24 Honor.

25 THE COURT: So, Mr. Dodd, I'm

124

1 going to give you two minutes to tell me if your client  
2 prevails what does it looks like? What does the result  
3 look like?

4 MR. DODD: Thank you, Your  
5 Honor. If Mr. Curtis prevails, what he is requesting,  
6 he is asking that the Court pursuant to the Declaratory  
7 Judgment Act, South Carolina 15-53 Section 10 and all  
8 that follows, and pursuant to South Carolina Code 27-43-  
9 10 and everything that follows, including Section 27-43-  
10 310 that applies to cemeteries on private property. He  
11 is asking that you are to declare that he is a church.  
12 That he operates a ministry, a religious organization.  
13 That is exempt from the Perpetual Care Cemetery Act or  
14 any other statute with the exception of perhaps the  
15 statute that applies to access to cemeteries on private  
16 property.

17 And as such, he would be allowed to restrict access  
18 to anybody, really, but that there's an applicable  
19 statute on point that gives people the ability to apply  
20 to the property owner for access if they have someone  
21 buried there or they have another reason pursuant to the  
22 statute to apply for that.

23 The previous Order is very confusing and we believe  
24 that the Declaratory Judgment Act gives this Court the  
25 ability to look at this with a set of eyes that can make

125

1 an equitable decision that can allow a property owner to  
2 continue with the ministry but at the same time allow  
3 someone who has a deceased family member on a particular  
4 piece of property to have some access under certain  
5 conditions.

6 We would also ask, Your Honor, that you find the  
7 Defendant has breached the contract between she and the  
8 Plaintiff and find for damages as appropriate.

9 And we would ask that the Court look at this  
10 situation, given all the evidence, and consider that the  
11 statute allows Mr. Curtis -- the statute that we believe  
12 is applicable, the 27-43-310 and everything that  
13 follows, gives Mr. Curtis the ability to continue to set  
14 access at a time that is convenient for him but also the  
15 time that is convenient for those seeking access to the  
16 burial sites on his property.

17 And that -- and we would ask that the Court help  
18 the parties and everybody going forward with a  
19 determination with, you know, what vehicle access means.  
20 Is the Plaintiff's contention and we believe that  
21 vehicle access means access to the property Saluda Rest  
22 but not beyond the gate where the burial ground begins.

23 THE COURT: All right. You've  
24 gone about four minutes, so Ms. Glenn be glad to hear  
25 from you.

126

1                   MR. DODD:                   Thank you, Your  
2 Honor.

3                   THE COURT:                   You've got about two  
4 minutes to tell me what -- if you prevail what it looks  
5 like.

6                   MS. GLENN:                   Well, for starters,  
7 I haven't seen anything produced that says that there  
8 was a contract that I broke. So I would ask that that  
9 be dismissed.

10               But I think that if I prevail, meaning that you  
11 rule that it was open to the public and that the public  
12 should have access under certain times and certain  
13 conditions. I believe that the community would be  
14 better. I believe that the cemetery would be better. I  
15 think it'll grow. And I think we can be proud of it.

16               THE COURT:                   All right. If y'all  
17 will give me about ten minutes I'm going to review my  
18 notes and some of the exhibits, then I'm going to come  
19 back and issue my ruling.

20               (WHEREUPON, the Court stood at recess for a short  
21 break.)

22               THE COURT:                   Pull out your pads  
23 and pencils and I'm going to tell you what my Order is  
24 going to be. My very fine court reporter will be glad  
25 to prepare a transcript if requested.

127

1           First, let me note from the outside looking in, I'm  
2 well familiar with this case. I've dealt with it. I've  
3 had multiple conferences with both parties. I'm  
4 familiar with the law. Familiar with the evidence.  
5 I've paid close attention today. I've now reviewed my  
6 notes as well as pertinent exhibits. So I feel very  
7 comfortable going ahead and issuing my ruling.

8           A very famous theologian Jerry Clower one time  
9 years ago said he was up in a tree fighting with either  
10 a raccoon or opossum. Said it got so bad he finally  
11 just yelled down and said, somebody shoot and get one of  
12 us out of this tree. And in some respects I think  
13 that's exactly what's happening here.

14          And I start from the premise, in my opinion there  
15 is no winner or loser here. I understand in any kind of  
16 lawsuit it takes a lot of money and costs a lot of  
17 emotions. This one has been super-sized. Because I  
18 look back and see there are at least three magistrate  
19 court orders, maybe more. I've heard -- I was thinking  
20 four, but I've heard testimony today about three. There  
21 have been multiple motions that have been filed here at  
22 the circuit court level. Both parties have contacted  
23 multiple state agencies involving this matter. And as  
24 well as the media has been invited to get involved. All  
25 this takes times, takes money, takes energy. And it's

1 clear to me that there are legitimate issues here  
2 involved. That's what the court is set up to deal with.  
3 But also some of these issues have taken on a life of  
4 their own by dealing with the emotions. And I get that.  
5 I understand that.

6 When I look through the case, many of the issues  
7 that are raised by both sides, I think they're beyond  
8 the jurisdiction of this court. Or they have not been  
9 raised in the pleadings in a way that this court can  
10 have jurisdiction. Because many of the issues involve  
11 either state and/or federal regulatory, administrative,  
12 legislative or taxing agency duties and responsibilities  
13 and requirements and enforcement obligations. I don't  
14 think this court can or should step into those arenas.  
15 The court cannot, should not, make law but interpret and  
16 enforce it. And also, candidly, I'm not sure that some  
17 of the theories or causes of action that have been  
18 sought here rise to the level of creating a private  
19 cause of action.

20 Moving now as far as the issues between the  
21 parties, I think a lot of the problems arose out of  
22 Plaintiff's 1, the agreement, the legal representative  
23 agreement. It invites -- it just -- it invites  
24 controversy. Because I'm looking at it, it says Saluda  
25 Rest Burial Policies and Procedures have been explained



1 to me and I accept them as explain to me without  
2 exceptions. -I can't imagine a more vague sentence that  
3 says, hey, let's fight about this tomorrow and for the  
4 next three years, for the next ten years. It just says  
5 nothing. So a lot of what we're dealing with here today  
6 is a result of a very poorly drafted agreement. Because  
7 obviously the parties, Mr. Curtis and Ms. Glenn, have  
8 very different interpretations. They're both convinced  
9 they're right. They've both convinced the other one is  
10 wrong. It arises, in large part, out of this agreement.  
11 And also, it does seem like from time to time, whatever  
12 the policies and procedures are, they've changed. And  
13 again, that invites uncertainty and it invites  
14 controversy.

15 As relates to the declaration that Mr. Curtis is  
16 entitled to a church exemption, I think that's beyond  
17 the jurisdiction of this court. I will note, there's no  
18 proof of any accreditation, ordination or affiliation of  
19 the Plaintiff with any religious organization. Don't  
20 know that there needs to be. But I think it's beyond  
21 the jurisdiction of this court to make such a  
22 determination that either Mr. Curtis or the real  
23 property is, in fact, a church because that opens up a  
24 multitude of other issues that I don't think the court  
25 should address itself with.

130

1           Now, as relates to the ongoing issues between the  
2 parties to what the court does believe it has  
3 jurisdiction over, first, I don't think this property is  
4 open to the public. Just from looking at all the  
5 documents, from looking at the deeds, from hearing the  
6 testimony, I just can't make a finding that it's open to  
7 the public.

8           However, the flip side of that is Ms. Glenn is  
9 clearly entitled to access to this property. And I'm  
10 going to grant that. And she may have up to three  
11 persons accompanying her. It's going to need to be done  
12 during regular hours defined as any time between eight  
13 a.m. and eight p.m. And Ms. Glenn, you are going to  
14 need to provide at least twenty-four hours' notice. And  
15 then if there's a funeral on the site nearby -- if  
16 there's some legitimate reasons, then Mr. Curtis will be  
17 entitled to text you back or email you back or call you  
18 back and just say, hey, it can't happen in this time  
19 frame you're asking, but here's plan B. And it has to  
20 be very close in time to that.

21           Next, by Mr. Curtis's statements, there was a route  
22 or a road to follow. And so I'm allowing Ms. Glenn  
23 access to that up to her husband's grave site. As  
24 appropriate. And if there are any damages then Ms.  
25 Glenn would have to have them repaired within seven

1 days.

2 Also I'm directing that -- you can't put a grave in  
3 a roadway up there. That just ain't going to happen.  
4 You've invited the court to step in, Mr. Curtis. The  
5 court is stepping in. You can't put a grave -- because  
6 it opens up to say this is a punitive attempt to try to  
7 limit Ms. Glenn's rights. So you just can't do it. And  
8 you can't do it within fifteen feet on either side of an  
9 existing roadway.

10 I'm going to continue the restraining order. And  
11 I'm going to tell y'all straight up. If y'all come back  
12 one or both of you is going to jail or going to pay at  
13 least five thousand dollars. I have no hesitation doing  
14 that. But this squabbling and this running back and  
15 forth to court, it's going to stop. I'm just telling  
16 you, it's going to stop.

17 So Mr. Dodd is going to start working on the order.  
18 He's going to send something to my court reporter within  
19 the next fourteen days. He's going to send, Ms. Glenn,  
20 a copy of it to you. You can certainly make email  
21 comments on that.

22 And I'm quite sure what I've done is give a very  
23 big picture view. There will be, I'm quite certain,  
24 some changes I will make, some tweaking, if you will.  
25 But that's the big pictures.

132

1           And I did want to, at least, announce this in front  
2   of both of you and tell you, I'm doing my dead level  
3   best to resolve the matter in what I consider fair to  
4   both sides and appropriate and required by me under the  
5   law.

6           So I'm going to ask if -- Ms. Glenn and Mr. Dodd,  
7   if you'll go through all these exhibits with my court  
8   reporter just to make sure they're staying here at the  
9   courthouse.

10          Thank you very much.

11                   MR. DODD:                   Thank you, Your  
12   Honor.

13

14                   --- END OF REQUESTED TRANSCRIPT OF RECORD ---

1           The undersigned, Danette P. Hanks, Court Reporter,  
2   Office of Master in Equity for Greenville County, South  
3   Carolina, do hereby certify that the foregoing is a  
4   true, accurate and complete Transcript of Record of  
5   requested portions of the proceedings had and evidence  
6   introduced in the hearing of the captioned case,  
7   relative to appeal, before The Honorable Charles B.  
8   Simmons, Jr., as Master in Equity for Greenville County,  
9   South Carolina on the 13th day of October, 2020.

10           I do further certify that I am neither of kin,  
11   counsel, nor interest to any parties hereto.

12

13

March 8, 2021

14

*Danette P. Hanks*

15

Danette P. Hanks, CCR

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

) COURT OF COMMON PLEAS

) C/A #: 2020-CP-23-00939

Kenneth Curtis,

)

Plaintiff,

)

)

v.

)

)

Cynthia Glenn,

)

)

Defendant.

)

)

)

PARTIAL VIRTUAL

**HEARING**

\*\*\*\*\*

2020



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

**VIRTUAL APPEARANCES****Michael Dodd, Esquire**

Attorney at law  
 13 Sevier Street  
 Greenville, SC 29605  
 Attorney for the Plaintiff

**Cynthia Glenn, Pro Se Defendant****Also Present:**

Kenneth Curtis, Plaintiff

**INDEX**

| <b><u>MR. CURTIS:</u></b>                       | <b><u>PAGE</u></b> |
|-------------------------------------------------|--------------------|
| MS. GLENN. . . . . CROSS-EXAMINATION. . . . .   | 3                  |
| MR. DODD. . . . . REDIRECT EXAMINATION. . . . . | 9                  |
| MS. GLENN. . . . . RECROSS-EXAMINATION. . . . . | 15                 |

**RULING OF THE COURT:**

|                      |    |
|----------------------|----|
| THE COURT. . . . .   | 23 |
| Certificate. . . . . | 31 |



**CREEL COURT REPORTING, INC.**  
 1230 Richland Street / Columbia, SC 29201  
 (803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

3

MR. CURTIS - CROSS-EXAMINATION BY MS. GLENN:

Q: Can I get you to read paragraph two for me -- out loud?

A: We do not sell plots. When an individual chooses burial and Saluda Rest Preserve, their remains become part of the actual properties of Saluda Rest by consent -- just like you did for your husband. His remains are a part of Saluda Rest ---

Q: I'm asking you to read the next paragraph though, please.

A: Oh. Okay. We operate in a first need first serve basis and usually have several prepared locations available in different areas at any given time. Because the site location work is very weather dependent, it is most often expedient to use a prepared site. However, family relationship, proximity and personal site selection preference are important considerations to us. We strive to place site -- when possible -- in the location preferred by the individual. Of course the extra cost involved in any special arrangements will be reflected in the specific donation request.

Q: Does Mrs. Cortex have family members buried



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896



1 close to the gate access there?

2 A: I'm sorry one more -- you're gonna have to  
3 speak up. I'm barely hearing you.

4 Q: So, does Mrs. Cortez have other family members  
5 buried close to that gate access?

6 A: Mrs. Cortez had no other family members in  
7 America. She was here from Mexico and died of  
8 heat stroke in the field across the river from  
9 me. And left only a small child as her only --  
10 -

11 Q: (inaudible).

12 A: --- relative. So, no she had no body buried  
13 next to her.

14 Q: So, it is reasonable to assume that you could  
15 have told her that she needed to choose a  
16 different location?

17 A: It's my policy to let people choose their sites  
18 as long as it doesn't interfere with anything  
19 else or other -- any other plans. So she ---

20 Q: (inaudible) -- my (inaudible) ---

21 A: --- was free to choose (inaudible) -- that  
22 site. Particularly so people would not be  
23 driving on to Saluda Rest Property.

24 Q: So, it's your testimony that she choose this  
25 exact location?



CURTIS V. GLENN

5

- 1 A: Absolutely, yes.
- 2 Q: And that you dug this before she passed away?
- 3 A: Yes.
- 4 Q: How deep are the graves normally?
- 5 A: 6 to 8 foot.
- 6 Q: So how deep were -- was this grave in the
- 7 photographs or on the day that I visited?
- 8 A: How deep is it?
- 9 Q: Uh-huh.
- 10 A: 6 to 8 feet.
- 11 Q: Okay. So it looked like it was 6 to 8 feet to
- 12 you?
- 13 A: By rough measurement, yes. But judging by my
- 14 back-ho bucket and the arm on it, yes. It's 6
- 15 to 8 foot.
- 16 Q: So, is it normal for you to dig a grave before
- 17 someone passes?
- 18 A: Yes. Your husband's grave was dug before he
- 19 passed. we have 5 to 6 graves currently --
- 20 other than that one -- dug on the property,
- 21 prepared at any given time so that when someone
- 22 passes away ---
- 23 Q: Right.
- 24 A: --- we're not in a rush to dig a grave in a
- 25 location close to where they want to be buried.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

1 Q: So ---

2 A: We always have grave sites available like that  
3 -- pre-dug ready for someone to die. We often  
4 have hospice ---

5 Q: (inaudible).

6 A: --- patients that are near passing that we  
7 prepare their graves ahead of time. That is  
8 our normal process.

9 Q: So, this was a preferred location; not one of  
10 the ones that were set up that we could choose  
11 from. Because I didn't know that I could  
12 choose a different location. So, is it common  
13 for people to have preferred locations?

14 A: It's common both ways?

15 Q: Is it common for you to dig those holes before  
16 the passing of someone in a preferred location?

17 A: Yes.

18 Q: Okay. So, had Mrs. Cortez already donated  
19 funds for this preferred location.

20 A: Mrs. Cortez is and indigent burial.

21 Q: So, in your frequently asked questions it says,  
22 "of course extra cost will be involved." So  
23 did Mrs. Cortez pay for the extra cost  
24 involved?

25 A: Mrs. Cortez was an indigent. She paid nothing



CURTIS V. GLENN

7

1           for her grave selection.   And you by your  
2           lawsuit prevented someone for being buried  
3           where they wanted to be buried.

4   Q:   So, did Mrs. Cortez had she already -- she'd  
5           gone up there -- this is what I'm understanding  
6           -- had she gone up there and personally laid  
7           eyes on that spot and choose that spot?

8   A:   Mrs. Cortez was on my property probably a year  
9           and a half prior and has not been physically  
10          able, but she's well familiar with the property  
11          or was well familiar with the property -- and  
12          she chose that location knowing exactly where  
13          it was, yes.

14   Q:   Did she also choose a burial container for that  
15          location?

16   A:   Did she choose one?   We provided one.

17   Q:   So, but she didn't -- like, she didn't choose  
18          one that you had access to there?

19   A:   I'm not sure what you're asking me.

20   Q:   Well the containers, caskets that I saw were  
21          all quite different.

22   A:   We don't sell caskets.

23   Q:   Containers.

24   A:   We don't deal with caskets period.   No matter  
25          how much you try to conflate the language,



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

1 Sandy. We don't do caskets.

2 Q: Okay. Containers.

3 A: And what's your question about it?

4 Q: Okay. Just like when I went up, I was shown  
5 containers. They were all different. Has Mrs.  
6 Cortez -- did -- had Mrs. Cortez chosen a  
7 container?

8 A: We were in agreement as to what kind of  
9 container would be used for Mrs. Cortez when  
10 she passed.

11 Q: And so it's my understanding -- based upon your  
12 testimony -- that Mrs. Cortez has indeed  
13 passed, is that correct?

14 A: Mrs. Cortez has indeed passed.

15 Q: Is there an obituary for her?

16 A: No (inaudible).

17 Q: Is there -- there's no receipt I'm assuming  
18 since you're saying no money changed hands.

19 A: No money changed hands. No receipt. I do have  
20 a burial transport permit for Mrs. Cortez.

21 Q: So will her family be donating at all? She's  
22 completely -- I mean you're completely done  
23 with her exchange?

24 A: We do that all the time, yes.

25 Q: Okay. I believe that's the only questions I



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

9

1           have for Mr. Curtis at this time.

2   **THE COURT:**     All right.     Mr. Dodd, any further  
3           questions from you?

4   **MR. DODD:**   Yes, Your Honor. I just have a couple of  
5           brief questions.

6   **MR. CURTIS - REDIRECT EXAMINATION BY MR. DODD:**

7   Q:   Mr. Curtis, Ms. Glenn had you reference line 16  
8           on page 5 of the transcripts that she displayed  
9           as an exhibit and is talking about access --  
10          and you state in that, vehicle access onto the  
11          property -- can you distinguish that for us and  
12          help us understand what exactly you meant by  
13          saying that? When you say onto the property  
14          you're distinguishing that from the portion of  
15          the property that you own prior to the gate?

16   A:   Correct.

17   Q:   With the property being Saluda Rests and  
18          Ministry Burial Ground?

19   A:   Correct. Saluda Rests has 50 acres. There has  
20          never been any intent for people to drive on or  
21          over the entire track to the property. The  
22          drive on access is to the graveyard or to the  
23          burial ground. That is allowed to Ms. Glenn  
24          and every other person. That is from Edward's  
25          Road to the gate which is approximately -- I



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

1 think 300 feet is a pretty good estimate. So  
2 that is the drive on access that everybody has.  
3 No body has drive on access without explicit  
4 permission and good reason to drive onto the  
5 burial ground.

6 Q: Mr. Curtis, in the frequently asked questions  
7 -- I think it's the previous slide. Give me  
8 just one second to make sure I'm not reading  
9 from the wrong place.

10 A: For instance we gave Ms. Glenn permission --  
11 explicit permission -- and her brother --  
12 because I know him -- to place a stone on Ms.  
13 Glenn's (sic) grave. They were allowed to  
14 drive in for that purpose. That's not a  
15 general access.

16 Q: So, in the frequently asked questions when you  
17 mention trails and lots of river frontage that  
18 make it enjoyable -- for an enjoyable outing --  
19 no where in that does it mention vehicles --  
20 can you tell me what your intent is at Saluda  
21 Rest for folks who are visiting for trail  
22 purposes?

23 A: Sure. And that's the purpose of the Preserve  
24 in out ministry. Is that people can walk over  
25 a natural area not being interfered by vehicles



CURTIS V. GLENN

11

1 and things of that type. We have many walking  
2 trails all over the property that people access  
3 all the time by foot. That is -- that's the  
4 difference. That's why it says trails for  
5 enjoyment.

6 Q: And those people that access, do they have to  
7 request permission first?

8 A: Absolutely. We don't allow anybody on the  
9 property walking or any other way without  
10 permission. Without actually signing a  
11 release. We have to have a liability release  
12 signed by anybody that wants to come on the  
13 property. We allow them to come on it with  
14 foot traffic to fish the river, to walk the  
15 trails, take advantage of it.

16 Q: You have your property posted with signs that  
17 say, you know, private property or no  
18 trespassing or anything?

19 A: We do. We have no trespassing signs and with  
20 our phone number listed on them saying that you  
21 have to have -- call for a code and for access  
22 on every entrance. For every entrance not just  
23 at every entrance but we have a sign that says  
24 you must call for every entrance. You don't  
25 just call one time and receive an approval and



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896



CURTIS V. GLENN

12

1           now you've got access whenever you want to.  
2           That's not how it works.

3       Q:   One more line of questions related to vehicle  
4           access.   Ms. Glenn showed a photograph that  
5           appeared to show some pathways or something --  
6           you in your testimony referenced it, you  
7           traverse those to maintain the property  
8           yourself?

9       A:   Yeah.

10      Q:   Those areas along with the area that you've  
11           testified to that you've shown Ms. Glenn how to  
12           drive and to bury her husband and to place the  
13           stone -- are those well maintained roads with  
14           asphalt or, you know, with smooth gravel that  
15           anybody, you know, if I wanted to drive, you  
16           know, a regular old Sedan, you know, a Honda  
17           Accord or something like that -- would I have  
18           any trouble doing that?

19      A:   No.   There -- well yes you would have a huge  
20           amount of trouble driving any normal sedan onto  
21           that property.   It is -- there is not  
22           established road.   I can't express it enough.  
23           We have areas that we travel over regularly to  
24           do maintenance and to do grave work.   It's not  
25           a road.   You'd have trouble driving on ti with



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

13

1 but a tractor or a Jeep like Ms. Glenn has.  
2 They are not maintained roads in any form or  
3 fashion. And as a matter a fact, those same  
4 areas will be covered completely with burial  
5 sites at one point or another. When we back  
6 out of an area and we fill it up, it's going --  
7 those roads will be grave burials. There is no  
8 planned or current road on that property.  
9 There never has been.

10 Q: And even for the areas that are driven over at  
11 this current time, if -- for the average  
12 relative of a person who had someone buried  
13 there and if they got permission for you to  
14 come and visit, would it be difficult for them  
15 to drive to a grave site versus stopping at the  
16 driveway and getting out and walking to  
17 wherever loved ones are buried?

18 A: Most normal passenger cars will not make it to  
19 the area that Ms. Glenn is wanting to drive to.

20 Q: So, you would say that impractical to think  
21 that somebody would drive that regularly  
22 certainly to call it a driveway or a road.

23 A: It would be almost impossible for most people  
24 to drive that road that did wanna either damage  
25 their property, doesn't have a 4wheel drive or



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

14

1 would tear up the property in order to drive to  
2 that location. Especially in any kind of wet  
3 weather. It would be impossible. It's red  
4 mud, you can't drive on it. It's wet it's  
5 deeply rutted we're trying to keep it in that  
6 general -- that path right there so that we  
7 don't cause further damage all over the rest of  
8 the property in something that we can mitigate  
9 the damage from.

10 Q: And so one last question, just to make sure I  
11 clarify and hear from you -- is it your  
12 testimony today that Ms. Glenn and the other  
13 people who potentially visit Saluda Rest --  
14 have access to graves by vehicle? Not their  
15 grave site, but they have access to the graves?

16 A: Yes. Ms. Glenn has the same access to the  
17 grave area that everybody else does currently.  
18 She can -- she walked in the very day she chose  
19 here husbands grave -- she walked in with the  
20 very same access that she has currently. Even  
21 with that grave inside the gate, that's where  
22 she walked from when she chose the grave site  
23 for her husband. That is also recorded in text  
24 messages.

25 MS. GLENN: (inaudible) -- roughly.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

15

1 Q: So would you say that you have complied with  
2 the Court's order of January the 15th?

3 A: I have done everything I can to comply with the  
4 Court's order. I have no in no way willingly  
5 violated the Court's order. It's been  
6 continually posted. Even the COVID notice of  
7 closure was noted clipboard style over Ms.  
8 Glenn's visitation hours. She says it was  
9 removed. It was not. It's always been there.  
10 The COVID closure notice because of limited  
11 availability of space, but the sign was posted  
12 directly over the top of her visits, clipboard  
13 style. You could have lifted it up and seen  
14 your -- seen the same thing that's always been  
15 posted there every other time you've been  
16 there.

17 Q: I have nothing further, Your Honor.

18 MS. GLENN: Your Honor, I do have a follow-up.

19 THE COURT: All right. Ms. Glenn?

20 **MR. CURTIS - RECROSS-EXAMINATION BY MS. GLENN:**

21 Q: So, when we look at Court Exhibit Number 1,  
22 accompanied with that is videotape number two,  
23 which makes it much easier to see the sign and  
24 that the sign -- the Court ordered sign has  
25 been removed.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

1     **MR. CURTIS:** What is she asking me?

2     **Q:** Is it possible for us to see the video tape now  
3         or review the video tape now?

4     **MR. CURTIS:** I can't hear her.

5     **Q:** Because he testified that he has continually  
6         posted the Court ordered sign and had not  
7         removed it. But the video is clear that it's  
8         been removed.

9     **A:** The COVID closure sign is posted directly over  
10        the top of what you're calling exhibit --  
11        wherever it is. It was her notice. Exhibit 1  
12        is the COVID closure notice. That Notice is  
13        posted directly over the top of wherever the  
14        other picture is of your notice regarding your  
15        access.

16    **Q:** If the sign were posted on top of the Court  
17        ordered notice, would you consider that to be  
18        in a conspicuous place at the entrance as court  
19        ordered.

20    **A:** Absolutely. It's right there on the gate. You  
21        knew where it was. You've seen it before.

22    **Q:** So, you also testified at the injunction  
23        hearing that you'd pushed a wheelchair all the  
24        way out to the grave sites but then you just  
25        testified that it's never meant for small



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

17

1 vehicle access. If small vehicles couldn't get  
2 up there, how did the wheelchair get up there?

3 A: We pushed it up there.

4 Q: But a car can't get up there?

5 A: I'm sorry?

6 Q: Well, I understood you to just say that a small  
7 car couldn't get up there but that a wheelchair  
8 now can, is that my understanding that that is  
9 your testimony?

10 A: That is my testimony.

11 Q: So on July 7th, we had a court hearing in the  
12 Court of Common Pleas. At that time I learned  
13 of a new policy that you had created for my  
14 visitation prior to July 7th. I was of the  
15 understanding that I had -- would be able to  
16 access it though a gate code which didn't work  
17 for us in March. When did you initiate the new  
18 policy?

19 A: I don't think I've initiated a new policy. My  
20 policies have been same from the beginning. You  
21 failed to notify me when you come and expect to  
22 open the gate with the same old gate code that  
23 you always use.

24 Q: I believe you just testified that now on  
25 Thursday's you go down and open the gate



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

1           instead of me being able to access it.

2       A:   Per Court ordered, yes.    Because the Court  
3           ordered me to have it open for you on Thursday.  
4           Yes. I do it every Thursday morning.

5       Q:   So, when did you begin that one instead of  
6           allowing me to use the code?

7       A:   Whenever the Court ordered it. I'm not sure  
8           when that date was.

9       Q:   So, I was informed on July 7th in the Court of  
10          Common Pleas of the new policy. Did you ever  
11          inform me before July 7th that you had changed  
12          the access to the cemetery?

13      A:   I have no idea what she's talking about.  
14          Nothing.

15      Q:   On July the 7th -- okay. So prior to July 7th  
16          you had not informed me that you'd be leaving  
17          the gate open for me to enter even though the  
18          sign said closed for COVID.

19      A:   Did I notify you that the gate was going to be  
20          opened -- the Court ordered me to leave a path  
21          open for you. So, yeah. You were notified  
22          that the gate would be open for you.

23      Q:   So, if I arrive at the gate and the gate says  
24          that it's close and there is no Court ordered  
25          sign that I can see there before July the 7th,



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

19

1           how would have known that you were allowing me  
2           to have permission?

3       A:     Does anybody understand what I'm being asked  
4           because I don't.

5       Q:     Prior to July the 7th.

6       A:     Prior to July the 7th.

7       Q:     Okay. On July 7th, I was told that you would  
8           now be leaving the gate open instead of me  
9           using an access code. So from March the 26th  
10          until July the 7th how would I have known that  
11          the open gate was for my access when the sign  
12          was removed.

13      A:     There -- the sign was not removed, Sandy. The  
14           sign has been there all the time. It's never  
15           been removed.

16      Q:     Did everybody get a chance to watch that video?  
17           And I call my son back who did testify?

18      **MR. CURTIS:** What is she asking me? I have no idea  
19           what I'm being accused of or what you're trying  
20           -- or what point you're trying to make.

21      Q:     I'm trying to say you didn't tell me you had  
22           changed the policy.

23      A:     I haven't changed the policy. The Court  
24           Changed my policy.

25      Q:     So when I arrived and the sign said closed, if



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896



1 I had gone in, would I not have been accused of  
2 trespassing?

3 A: No. You would have been told that we were  
4 closed for COVID just like the sign said.

5 MS. GLENN: So, Your Honor, my son can come and  
6 testify -- we did try to look underneath that  
7 sign, there was no Court ordered sign there.

8 MR. CURTIS: That's nonsense. That's just an  
9 outright lie and you know. That's just an  
10 outright lie. That same sign that's in that  
11 picture is there right now. Go look at it.

12 MS. GLENN: Mr. Dodd, can Mr. Curtis watch the  
13 video?

14 THE COURT: All right.

15 MR. DODD: I'm not sure exactly what video you're --  
16 -

17 MR. CURTIS: You're absolutely lying, Sandy.

18 MS. GLENN: (inaudible) ---

19 MR. CURTIS: The posting has been there since the  
20 Court told me I had to post it. It's never  
21 been removed.

22 MS. GLENN: It's video number two that shows that  
23 sign has been removed.

24 MR. CURTIS: It's provable that it's the same sign  
25 because it has Mr. Dodds pencil or pen



CURTIS V. GLENN

21

1 correction on it.

2 **THE COURT:** All right. Mr. ---

3 **MR. CURTIS:** It is the same sign that has always  
4 been posted there.

5 **THE COURT:** Mr. Curtis, how long were you closed for  
6 the COVID? Are you still closed?

7 **MR. CURTIS:** I posted the notice for COVID, we  
8 weren't -- when it was obvious that we could  
9 not comply with both orders. I was either  
10 going to be in violation of your order, Your  
11 Honor or the Governor's orders. I was advised  
12 that we should we should respect your order and  
13 so the COVID notice was removed and Ms. Glenn  
14 was informed that she could come and use here  
15 normal visitation hours.

16 Q: How was I informed of that? When?

17 A: I sent you a text the same day you visited --  
18 when was March 23rd or 26th?

19 Q: So the text message ---

20 A: Two hours -- literally two hours after your  
21 proposed visitation time, I sent you a text  
22 saying that you were welcome to come and visit  
23 your husbands grave that day and we were going  
24 to stay open an additional two hours ---

25 Q: (inaudible).



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

1 A: --- because you had been prevented.

2 Q: But then when we returned on June 11th the sign  
3 was down. Your Honor ---

4 A: The COVID sign was gone.

5 Q: (inaudible) -- and we did just send the  
6 Governors order -- did you get that Mr. Dodd?

7 A: I never looked at the Governors order. I was  
8 going off what the Governor said on Channel  
9 Four News on March the 23rd. So if you wanna  
10 (inaudible) -- on the morning of the 23rd, he  
11 closed all schools churches and businesses.

12 Q: That's not (inaudible) ---

13 A: We are a church. He closed us.

14 **THE COURT:** Okay. I'm gonna bring this to a close  
15 as far as testimony. I don't think we're  
16 adding any additional information. Here's what  
17 I am gonna do. Mr. Curtis, I do believe that  
18 you are doing whatever you can to walk the line  
19 of trying to prevent Ms. Glenn from visiting.  
20 However, I -- well, I find that there's been  
21 noncompliance. Given the Carona Virus  
22 situation I'm not going to find that it's  
23 contemptible, but I am going to provide you a  
24 warning that you should provide some difference  
25 to Ms. Glenn in her attempts to visit. Now, I



CURTIS V. GLENN

23

1 am going to allow Ms. Glenn to have someone to  
2 accompany her at future visits. She is  
3 entitled to have a guest. Whether that's for  
4 her comfort or just her safety or just as a  
5 witness to the events that surround this. I  
6 think that is a reasonable request to allow  
7 another person. Also court takes judicial  
8 notice that the trial in the Court of -- the  
9 Master in Equity is going to be October the  
10 13th at 9:00 a.m. Mr. Dodd, is that close your  
11 understanding.

12 **MR. DODD:** I believe -- I'm trying to verify that,  
13 Your Honor. I believe that's close to the  
14 right time. I can't remember off the top of my  
15 head exactly. But I can ...

16 **THE COURT:** That's what the letter appears to be  
17 from the Court.

18 **MR. DODD:** Okay. (inaudible) ---

19 **RULING OF THE COURT:**

20 **THE COURT:** Being that that is only slightly more  
21 than a month away I'm going to maintain the  
22 injunction at the -- until the court of common  
23 pleas -- Master In Equity has had an  
24 opportunity to address all of these issues. It  
25 is my anticipation that one way or the other a



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

1 lot of the issues in this court will be  
2 rendered moot by the order that comes from the  
3 Master in Equity. But I don't want to change  
4 the status quo between now and then. So in  
5 order to maintain the status quo that  
6 injunction is going to remain. So those are my  
7 three rulings from today. Have I covered all  
8 the areas that need to be addressed? Ms.  
9 Glenn?

10 **MR. CURTIS:** I'm not sure what you're -- what I am  
11 allowed to do and what I am allowed as far as  
12 burying people on my property at this point.  
13 I do not want to be held in contempt or  
14 charged, brought back in your courtroom by Ms.  
15 Glenn because she perceives that I'm hindering  
16 her access by putting a grave anywhere else on  
17 my property. If it's not right inside that  
18 gate and I'm not told where I can put one,  
19 anywhere that I put one currently she might  
20 propose is hindering her access. So I would  
21 like some kind of determination from the court  
22 on where I can and where I cannot put a grave  
23 on my property because this is my current  
24 ministry and we have a lot of people that want  
25 to be buried in that very same area for the



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

1           very same purpose.

2   **THE COURT:**   And Mr. Curtis, that is what the Master  
3           in Equity is going to -- that's what they're  
4           going to have to address.   So ---

5   **MR. DODD:**   Your Honor, may I ask a question just for  
6           clarity?

7   **THE COURT:**   Yes.

8   **MR. DODD:**   So for the purposes of the temporary  
9           injunction the -- I guess the proposed gave  
10          site, right inside the gate, I don't think we  
11          dispute where that location is -- we've seen  
12          the photographs of it. I think all the parties  
13          understand where that is. Is the temporary  
14          injunction such that Mr. Curtis is abiding by  
15          both that order and the Court's order to just  
16          not disturb that area at all? Leave it exactly  
17          as it is until the court of common pleas has  
18          decided, is that correct?

19   **THE COURT:**   That's correct.

20   **MR. DODD:**   Okay.

21   **THE COURT:**   There is a ---

22   **MR. CURTIS:**   (inaudible) -- does that (inaudible) --  
23           I'm sorry.

24   **THE COURT:**   There is a strip of land that I think is  
25          pretty obvious what that strip of land is.



1           It's referred to as a driveway. That's where  
2           a lot of the testimony has come from today. Is  
3           if this is a piece of property in which  
4           vehicles whether they're Jeep's or tractors or  
5           whatever -- even though they may not be sedan's  
6           -- if those vehicles are using this area, do  
7           not bury anyone until the court of common pleas  
8           has given a final answer on this. And I find  
9           that the that that is not overly burdensome on  
10          you because we're only a month away. We're  
11          saying one month -- it's about one month and a  
12          week I believe that you'll be in that court and  
13          that issue will be address. So, we're only  
14          talking about 5 or 6 weeks injunction on this.  
15          And only on that area. You've got a very large  
16          area that ... so the burden is is relatively  
17          low considering that the alternative is that  
18          you are burying someone that could potentially  
19          prohibit -- that could potentially have issues  
20          decided based on -- off of that burial. We  
21          don't want to make a situation in which you're  
22          placing bodies in an area that changes the  
23          situation for the court of common pleas.

24       **MS. GLENN:**     Can I ask a couple of clarifying  
25       questions?



1     **THE COURT:**   You may ask.

2     **MS. GLENN:**   If Mr. Curtis has not filled in the open  
3                    graves, there will not be access.   So, that's  
4                    not really been addressed yet.   I don't know if  
5                    that is an open ---

6     **THE COURT:**   I'm not going to require him to fill the  
7                    hole in because there's the possibility that  
8                    the court may find in Mr. Curtis'.   If the  
9                    court sees things along the same lines as Mr.  
10                   Curtis, they may allow a burial there.   So, I'm  
11                   not going to make him fill up a hole just to  
12                   dig it later.   The purpose of the injunction is  
13                   to maintain the current status quo until the  
14                   court has had a chance to address all the  
15                   issues.

16    **MS. GLENN:**   And just as point of clarification,  
17                    there was a lot of questions about where to be  
18                    buried -- almost the entirety of that drive is  
19                    gravel, so all the way up the hill and beyond  
20                    my husband's grave is all gravel.   There is a  
21                    section that not gravel.   But as a matter of  
22                    clarification, it seems to me that identifying  
23                    the graveled areas as prohibited would make the  
24                    order a lot more understandable.

25    **MR. CURTIS:**   Your Honor, also in this same area, it





1 is my intention -- as I stated previously in my  
2 testimony -- to peruse putting a caretaker  
3 residence at the gate. Which has always been  
4 my plan. Am I being told that I cannot put a  
5 caretaker residence at that location? Or can  
6 I apply for the permit for doing so or am I  
7 enjoying (inaudible) ---

8 **THE COURT:** Mr. Curtis, you're only enjoined from  
9 doing anything that would permanently change  
10 the status quo between now the October 13th  
11 court date. So applying for a permit does not  
12 do so. Erecting a structure would do so. So  
13 I don't wanna get into the nuances of the  
14 injunction. I think it's suffice to say that  
15 if you do anything to permanently alter the  
16 situation that would be a violation. If you  
17 want to plan, if you want to do other things  
18 that are not in the disputed area, then that is  
19 fine.

20 **MR. CURTIS:** Ms. Glenn seems to be disputing all the  
21 areas of property, Your Honor. That's my  
22 problem. It's not what I'm construing or  
23 you're construing but Ms. Glenn keeps hauling  
24 me into your courtroom saying that I'm  
25 violating an order in one way or the other.



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

1           The example that I would use would be a tree  
2           falling down in the same area. Am I required  
3           to remove that tree?

4                           **(Inaudible background noise.)**

5   **MR. CURTIS:**   Okay. I'm sorry. I've got it.

6   **MR. DODD:**       Your Honor, I think Mr. Curtis  
7           understands what you've ordered and what you've  
8           asked for.

9   **THE COURT:**    Okay. Mr. Dodd, do you have any  
10          questions?

11   **MR. DODD:**    I just -- one more just to clarify, as  
12          long as Mr. Curtis doesn't disturb that area  
13          that we're talking about and leaves it exactly  
14          as it is until the court of common please rules  
15          that is okay because that is preserving the  
16          status quo, is that correct, Your Honor?

17   **THE COURT:**    That is correct.

18   **MR. DODD:**    Okay. Thank you, Your Honor. We  
19          appreciate it.

20   **THE COURT:**    All right. Mr. Dodd, I'm going to give  
21          you a call about another issues unrelated to  
22          this case right now. If that's okay with you,  
23          I just want to mention that.

24   **MR. DODD:**    Okay. Sure.

25   **THE COURT:**    All right.



1     **MR. DODD:** Unrelated to this case?

2     **THE COURT:** Unrelated to this case but it is time  
3               sensitive and I do need to have a quick  
4               conversation with you.

5     **MR. DODD:** Okay. Sure.

6     **THE COURT:** Okay. All right. that concludes this  
7               case.

8     **MR. DODD:** Thank you, Your Honor.

9     **(There being nothing further, the hearing concluded**  
10    **at this time.)**

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

**CERTIFICATE**

This is to certify that the within hearing consisting of thirty (30) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on October 9, 2020.

Coral Strickland

Coral Strickland

Notary Public for South Carolina  
My Commission Expires: July 2, 2028



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

) COURT OF COMMON PLEAS

) C/A #: 2020-CP-23-00939

Kenneth Curtis,

)

Plaintiff,

)

)

v.

)

)

Cynthia Glenn,

)

)

Defendant.

)

)

)

**VIRTUAL  
HEARING**

\*\*\*\*\*

**Monday, August 17, 2020**



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

VIRTUAL APPEARANCES

**Michael Dodd, Esquire**  
 Attorney at law  
 13 Sevier Street  
 Greenville, SC 29605  
 Attorney for the Plaintiff

**Cynthia Glenn, Pro Se Defendant**

**Also Present:**  
 Kenneth Curtis, Plaintiff  
 Mr. Glenn, Defendant's Son

INDEX

| <u>CALL TO ORDER:</u>                       | <u>PAGE</u> |
|---------------------------------------------|-------------|
| THE COURT. . . . .                          | 3           |
| <br><u>MR. CURTIS:</u>                      |             |
| MR. DODD. . . . DIRECT EXAMINATION. . . . . | 20          |
| MS. GLENN. . . . CROSS-EXAMINATION. . . . . | 23          |
| Certificate. . . . .                        | 28          |

EXHIBITS

(All Exhibits were marked prior to the hearing.)

|                              |   |
|------------------------------|---|
| Plaintiff's Exhibit. . . . . | 3 |
| Defendant's Exhibit. . . . . | 3 |



**CREEL COURT REPORTING, INC.**  
 1230 Richland Street / Columbia, SC 29201  
 (803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

3

1 (All Exhibits were marked prior to the hearing.)

2 CALL TO ORDER:

3 THE COURT: Morning.

4 MR. DODD: Morning.

5 MS. GLENN: Morning.

6 THE COURT: All right. So you have Michael Dodd and  
7 Cynthia Glenn; is that right?

8 MR. DODD: That's correct. Your Honor, I've got  
9 Kenneth Curtis here in my office.

10 THE COURT: Okay.

11 MR. DODD: He's at an appropriate distance but he  
12 his here.

13 MS. GLENN: My son is also joined via audio.

14 THE COURT: Okay. All right. It is August 17th.  
15 The time is 10:30. We're here in the case of  
16 -- still captioned as Kenneth A. Curtis versus  
17 Cynthia J. Glenn, Case Number 2019-CV-23-  
18 110849. This is an action being brought by  
19 Cynthia Glenn, who has filed a motion for an  
20 emergency ex parte injunction. That motion was  
21 granted on August the 13th, and today's  
22 proceedings -- our hearing -- as to whether or  
23 not that mo- -- injunction should be extended  
24 or moved. Based on the information provided  
25 with the motion it appears that Mr. Curtis is



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

4

1           placing a grave on the driveway that would  
2           access the other graves on the property. Mr.  
3           Curtis, are you in fact placing a grave in a  
4           driveway?

5   **MR. CURTIS:** No, sir.

6   **THE COURT:** All right. Can you explain the  
7           headstone for Maria Cortez and the hole in the  
8           driveway?

9   **MR. CURTIS:** There is no driveway there, Your Honor.  
10          That's not a driveway.

11   **THE COURT:** Is there any other way for a vehicle to  
12          access the property other than this piece of  
13          property?

14   **MR. CURTIS:** The access from the road to the gate is  
15          almost a hundred yards long so, yes. The  
16          graveyard starts at the gate.

17   **THE COURT:** Okay. If I'm hearing you correctly you  
18          are placing a grave in the location indicated  
19          by the pictures?

20   **MR. CURTIS:** Yes, sir.

21   **THE COURT:** Okay. And once this grave is placed,  
22          will someone be able to drive from the road to  
23          Ms. Glenn's husband's grave for example?

24   **MR. CURTIS:** No.

25   **THE COURT:** So the ---



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896



## CURTIS V. GLENN

5

1     **MR. CURTIS:**     The access to the grave sites is  
2                    through the gate. Everything past the gate is  
3                    a burial ground. There is no driveway past the  
4                    gate.

5     **THE COURT:**   In the past have vehicles routinely used  
6                    that area where Ms. Cortez is gonna be buried?

7     **MR. CURTIS:**   Routinely? No.

8     **THE COURT:**   All right. Let me ask you this, if a  
9                    vehicle needed to access Ms. Glenn's husband's  
10                   grave how would that go -- how would that  
11                   happen?

12    **MR. CURTIS:**   A vehicle? I'm not sure what you're  
13                    asking me.

14    **THE COURT:**   Say a truck, for example, with flowers -  
15                    - hypothetical situation -- how would that  
16                    happen if this grave is placed at the gate?

17    **MR. CURTIS:**   Well, you could come up over the  
18                    mountain I suppose. But the service for the  
19                    burial ground is to the gate. You would walk  
20                    it.

21    **THE COURT:**   All right. And that brings me to the  
22                    obvious question, is everyone going to be  
23                    walking over Ms. Cortez's grave?

24    **MR. CURTIS:**   They would walk around the grave I  
25                    would suppose. Although walking a grave



CURTIS V. GLENN

6

1           wouldn't really disturb it.

2   **THE COURT:**   Okay.

3                   **(Inaudible background noise.)**

4   **THE COURT:**   Who chose the location for the grave?

5   **MR. CURTIS:**   For the grave?   I have a person in  
6                   hospice care right now who is due to expire any  
7                   day who chose that spot to be buried.

8   **THE COURT:**   Mr. Curtis, how many vehicles have used  
9                   -- have used that area?   That -- it at least  
10                  appears ---

11   **MR. CURTIS:**   I don't even have any way to estimate  
12                  that, Your Honor.

13   **THE COURT:**   Say that again?   I did not hear that.

14   **MR. CURTIS:**   I'm sorry?

15   **MR. DODD:**    He didn't hear you.   He wants you to  
16                  repeat your answer.

17   **MR. CURTIS:**   I don't know exactly what you're asking  
18                  me as far as using the area.   I really don't  
19                  have any way to estimate that.

20   **THE COURT:**   Okay.   For example when Ms. Glenn's  
21                  husband was buried and they had the funeral on  
22                  site how many vehicles used it on that  
23                  particular day?

24   **MR. CURTIS:**   To accomplish the burial, I would  
25                  estimate probably eight, nine vehicles maybe.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

7

1 I don't know, somewhere around that number.

2 **THE COURT:** In a similar situation going forward how  
3 are they gonna -- how are such vehicles gonna  
4 access the graves?

5 **MR. CURTIS:** It isn't our intention to have vehicles  
6 enter that property for any other purpose other  
7 than burial.

8 **THE COURT:** All right. Today's purpose is solely a  
9 hearing on the emergency injunction. All  
10 right. So, Mr. Curtis, you don't deny that  
11 that grave's being placed there. Your defense  
12 is this is not a driveway?

13 **MR. CURTIS:** Correct, it is not a driveway. I  
14 didn't hear the first part of your question.

15 **THE COURT:** I said you're not denying that a grave  
16 is going to be placed there. Your defense to  
17 this injunction is that this is not a driveway?

18 **MR. CURTIS:** Correct. There are probably going to  
19 be 800 to a thousand graves behind that gate in  
20 that immediate area.

21 **MS. GLENN:** Can I ask Mr. Curtis a question, Your  
22 Honor?

23 **THE COURT:** I will allow that, yeah.

24 **MS. GLENN:** How will people take headstones to those  
25 one thousand graves?



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

8

1     **MR. CURTIS:**   We can place headstones.

2     **MS. GLENN:**   How?   We had to rent heavy equipment to  
3                   get a headstone to Mark's grave.   How will  
4                   future people be able to put headstones on  
5                   those graves?

6     **MR. CURTIS:**   Well, I haven't really -- first -- your  
7                   brother didn't rent equipment to do that; he  
8                   brought his own equipment to do that.

9     **MS. GLENN:**   I rented that equipment from my brother.

10    **THE COURT:**   All right.   We don't need to get into a  
11                   ---

12    **MR. CURTIS:**   Your brother asked permission, and we  
13                   granted permission for your brother to bring  
14                   his equipment.

15    **MS. GLENN:**   But it was heavy equipment.

16    **MR. CURTIS:**   It was.

17    **MS. GLENN:**   Also there's a sign by the gate that say  
18                   do not block the drive.   So, if you cannot  
19                   block the drive -- meaning you cannot park by  
20                   the gate -- how will you even get to the  
21                   cemetery from here on out?

22    **MR. CURTIS:**   I have access other than that.

23    **MS. GLENN:**   How will other people get to the  
24                   cemetery if they can't park by the gate?

25    **MR. CURTIS:**   They can get to the cemetery, and



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

9

1           there's not a cemetery. We do not have a  
2           cemetery. I object to your language and your  
3           labeling it as a cemetery.

4   **MS. GLENN:** How will other people get to the grave  
5           sites if they can't park their vehicle by the  
6           gate.

7   **MR. CURTIS:** The same way that you picked out your  
8           husband's burial site when you walked in the  
9           very first day you were there. You walked to  
10          your husband's grave site, you and your son.  
11          It is now walk-in traffic only.

12   **MS. GLENN:** So where do we place the vehicles to --  
13          while we walk to the grave?

14   **MR. CURTIS:** In the area before the gate between the  
15          road ad the gate.

16   **MS. GLENN:** Where the sign says do not block gate?

17   **MR. CURTIS:** In -- the sign says do not block gate  
18          and there is 200 -- at least 200, 250 foot of  
19          driveway from the road to the gate where you  
20          can park. You're driving on to the property  
21          now and have.

22   **MS. GLENN:** So, the sign which says do not block the  
23          gate doesn't mean don't park there? You can  
24          park there is what you're sayin' even though  
25          the sign says not to.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

**CURTIS V. GLENN**

10

1 **MR. CURTIS:** Not blocking the gate, correct.

2 **MS. GLENN:** So what's the purpose of the gate?

3 **MR. CURTIS:** To designate the difference between a  
4 driveway and a burial ground.

5 **MS. GLENN:** The why can you block it but not  
6 (inaudible)?

7 **MR. CURTIS:** The burial ground starts at the gate.

8 **MS. GLENN:** I don't have any more questions, Your  
9 Honor.

10 **THE COURT:** Mr. Dodd, do you have anything you want  
11 to contribute to the hearing?

12 **MR. DODD:** If I may, Your Honor. Briefly, I'm just  
13 gonna ask Mr. Curtis a couple of questions if  
14 that's all right?

15 **THE COURT:** Yeah. Yes.

16 **MR. DODD:** Thank you, Your Honor. Your Honor, I did  
17 sent over an e-mail this morning with a couple  
18 of Exhibits attached for the Court and for Mrs.  
19 Glenn. You should have gotten that just prior  
20 to -- I didn't have time to print them, but  
21 I'll do my best to show them here.

22 **THE COURT:** Okay.

23 **MR. DODD:** This first photograph that I'm gonna show  
24 Mr. Curtis -- Mr. Curtis would you -- could you  
25 identify that photograph for me and for the



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

**CURTIS V. GLENN**

11

1 Court? Explain what's going on there, and I'll  
2 -- I'll do my best to make sure y'all can see  
3 this, Your Honor.

4 **MR. CURTIS:** That is the gate with the grave dug and  
5 one of our people that has a loved one buried  
6 there walking in at the gate location.

7 **MR. DODD:** And is there a vehicle in this picture?

8 **MR. CURTIS:** Yes, there is, and it's parked on the  
9 outside of the gate.

10 **MR. DODD:** In the driveway?

11 **MR. CURTIS:** In the driveway.

12 **MR. DODD:** Your Honor, ---

13 **MR. CURTIS:** Not blocking the gate.

14 **MR. DODD:** Can the Court see that at all, Your  
15 Honor? Otherwise I can try to do a screen  
16 share if you can't see it, but ---

17 **THE COURT:** I can see it.

18 **MR. DODD:** --- it's showing a person with their  
19 image blacked out, but they have parked in the  
20 driveway and walked around the open gate and up  
21 to presumably a grave site on the burial  
22 ground.

23 **MR. CURTIS:** Actually to a grave directly next to  
24 where Ms. Glenn's husband is buried.

25 **MR. DODD:** That particular individual?



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

12

1 MR. CURTIS: That particular individual.

2 MR. DODD: And can you identify the date on this  
3 photograph for the Court?

4 MR. CURTIS: August 18th, 2020.

5 MR. DODD: So that was very recently?

6 MR. CURTIS: Yes.

7 MR. DODD: Just yesterday in fact?

8 MR. CURTIS: Yes.

9 MS. GLENN: Can I see that again, please?

10 MR. DODD: Yes. Yes, ma'am. I will do my best  
11 here. I think if you check your e-mail -- I  
12 don't know if you have access to that at this  
13 moment but -- you would be able to pull that up  
14 as well, Ms. Glenn.

15 MS. GLENN: Can I take a moment to do that? I can't  
16 do that from the screen.

17 MR. DODD: Sure, yeah. Well I let the Judge tell  
18 you that, but I'm okay with you taking all the  
19 time you need.

20 THE COURT: Yes.

21 MR. DODD: There should be two attachments to that  
22 e-mail. One has some photographs of the burial  
23 ground and the other is of someone coming  
24 around the gate.

25 MS. GLENN: Your Honor, that's a picture of my



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896



CURTIS V. GLENN

13

1 mother that he took from a hidden camera.

2 That's very upsetting to me.

3 MR. CURTIS: It's not your mother. It is not her  
4 mother.

5 MS. GLENN: It appears to be my mother.

6 MR. DODD: Again, Mr. Curtis, when was this  
7 photograph taken?

8 MR. CURTIS: August 18th, 2020.

9 MS. GLENN: Tomorrow?

10 MR. DODD: August 16th.

11 MR. CURTIS: Oh, August 16th, excuse me.

12 MR. DODD: So it was taken yesterday?

13 MR. CURTIS: Yesterday.

14 MR. DODD: Okay. So very clearly based on this  
15 photograph someone is able to enter your  
16 property via the driveway, park a vehicle and  
17 walk and access grave sites?

18 MR. CURTIS: Correct. And many people have accessed  
19 grave that has been dug there. We've gotten no  
20 objections. Everybody understands that this  
21 was eventually going to be the way it was. Ms.  
22 Glenn herself has understood and it stated in  
23 her papers that every part of the grave area is  
24 going to go back to the natural setting and  
25 it's all going to be used for natural areas.



**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

14

1           There is nothing -- there is no driveway there.  
2           There's never been any driveway surveyed, never  
3           anything marked as a driveway. It is open  
4           property for burial purposes.

5   **MR. DODD:** And in fact, Mr. Curtis, the woman in the  
6           photograph -- who will not be named -- but she  
7           -- you have actually spoken with this person,  
8           and what is it that she told you about the area  
9           beyond the gate and ---

10 **MS. GLENN:** Objection. Objection, Your Honor.

11 **THE COURT:** I'm gonna sustain that objection as that  
12           would be hearsay from an unidentified person.

13 **MR. DODD:** Understood, Your Honor. I withdraw the  
14           question.

15 **MR. CURTIS:** We've had no objections from any other  
16           party objecting to walking in. Everybody that  
17           we have buried there understandings these  
18           things. We've had plenty of people since that  
19           grave was placed there call us and ask for  
20           entry -- and which of course we grant -- and  
21           they walk around it. No one is complaining but  
22           Ms. Glenn.

23 **MR. DODD:** Mr. Curtis, other than Maria Cortez do  
24           you have anybody at this time who has asked to  
25           be buried in a location at or just in proximity



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

15

- 1 to the -- I guess the dug grave in question?
- 2 **MR. CURTIS:** Yes. We have several people on hospice
- 3 care right now. We work a lot with hospice.
- 4 And the people that we work with understand the
- 5 intent of the Saluda Rest Preserve. It is a
- 6 Preserve not a cemetery. The idea of driving
- 7 into a Preserve is anathema to a Preserve.
- 8 Everybody understands and wants their people
- 9 buried at a Preserve. They do not want
- 10 vehicles driving in to their Preserve area
- 11 where there loved ones are buried.
- 12 **MR. DODD:** The last thing I have for you, Mr.
- 13 Curtis, is there vehicle access to your
- 14 property via a large driveway from the state
- 15 maintained road?
- 16 **MR. CURTIS:** Yes.
- 17 **MR. DODD:** And that driveway goes from the road to
- 18 the gate which designates the beginning of the
- 19 burial ground, correct?
- 20 **MR. CURTIS:** Correct.
- 21 **MR. DODD:** I don't have any further questions at
- 22 this time, Your Honor.
- 23 **MS. GLENN:** I do have some follow-up if you'll
- 24 allow?
- 25 **THE COURT:** Yes, go ahead.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

16

1 MS. GLENN: So outside that gate, Mr. Curtis, that's  
2 not your property is it?

3 MR. CURTIS: Outside the gate?

4 MS. GLENN: Yes, sir.

5 MR. CURTIS: To the road? Yes, it is.

6 MS. GLENN: Your property goes all the way from the  
7 road to the gate?

8 MR. CURTIS: Yes, it does.

9 MS. GLENN: Not -- at one point I recall when we  
10 were out there with Mr. Brogdan (ph), the  
11 neighbor came out and asked you to move. Why  
12 did he ask you to move?

13 MR. CURTIS: I don't know what you're talking about.

14 MS. GLENN: When we were there with Officer Brogdan  
15 (ph) your neighbors were very upset about us  
16 being parked there.

17 MR. CURTIS: Because you interfere with their  
18 privacy when your parked there. Their house is  
19 what 20 foot away?

20 MS. GLENN: I'm sorry. I don't have the (inaudible)  
21 ---

22 MR. CURTIS: Their front door is right where you  
23 parked. They didn't want you parking in their  
24 front yard.

25 MS. GLENN: I don't have the plot of land before me



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

17

1           -- which I could get, Your Honor -- but we were  
2           asked to move by a neighbor at one point in the  
3           past when we parked there. Also with Mark when  
4           we went to go choose a grave there were holes  
5           pre-dug. There were about three holes pre-dug  
6           and we were only allowed to choose one of those  
7           holes. So this has changed greatly. I at no  
8           point was under the understanding that we would  
9           not be able to go up and maintain the graves.  
10          That's even part of the Order and we've gone  
11          over that in detail. So -- but Mr. Curtis says  
12          that he has letters of intent from people in  
13          hospice care. Could you provide those for us?  
14          That they have chosen that exact location? I'm  
15          very confused as to why somebody would choose  
16          to be driven -- buried in the middle of the  
17          road, but do you have that?

18   **MR. CURTIS:** I didn't say I had letters of intent.  
19                I have a verbal expression and a direct request  
20                to be placed in exactly that spot from someone  
21                who is in hospice care right now.

22   **MS. GLENN:** But when you said that there were no  
23                objections the reason that I knew that there  
24                was a grave in the way is because my son went  
25                up there -- was chased by dogs ---



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896.

CURTIS V. GLENN

18

1     **MR. CURTIS:** Your stepson, correct?

2     **MS. GLENN:** Yes. So he went up. He objected to  
3         havin' to walk, but mostly objected to the dogs  
4         on the property.

5     **MR. CURTIS:** Did he call for permission beforehand?

6     **MS. GLENN:** I do not know. But I do know he  
7         objected.

8     **MR. CURTIS:** (inaudible) -- but you don't know  
9         whether he called for entrance or requested  
10        entrance. Did you know he walked down into my  
11        yard ---

12    **MS. GLENN:** I knew he was chased by dogs into your  
13        yard. I did know that. So this -- this is a  
14        minor child who thought he could visit his  
15        father's grave, was attacked by dogs and then  
16        attacked by you.

17    **MR. DODD:** Your Honor, she's testifying for someone  
18        else?

19    **MS. GLENN:** Yes, sir.

20    **MR. DODD:** I object to this line.

21    **THE COURT:** All right. We can move on. I have a  
22        question for Mr. Curtis. Actually I want to  
23        address this to Mr. Dodd. The Order that's in  
24        place dated January the 15th, 2020, indicates  
25        the Defendant shall be allowed to access her



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

**CURTIS V. GLENN**

19

1 husband's grave by vehicle and the Defendant  
2 shall be allowed to take tools with her to care  
3 for and maintain the grave site. Will Ms.  
4 Glenn still be allowed to access her husband's  
5 grave by vehicle once this grave is completed?

6 **MR. CURTIS:** Is that question to me or to ...

7 **THE COURT:** I'm directing it to Mr. Dodd, and, Mr.  
8 Dodd, if you to solicit testimony, he can do  
9 that. I haven't put anyone under oath.

10 **MR. DODD:** Yes, Your Honor.

11 **THE COURT:** This is mostly informational hearing at  
12 the moment to determine whether or not the  
13 injunction should go forward, so I'm just  
14 trying to understand the position of everyone,  
15 so I want to address that to Mr. Dodd and he  
16 can solicit the answer from wherever he needs  
17 to.

18 **MR. DODD:** Okay. Yes, Your Honor, the Order states  
19 that the Defendant shall be allowed to access  
20 her husband's grave by vehicle, and the  
21 Defendant shall be allowed to take tools with  
22 her to care and maintain the grave site. I  
23 think we've already heard some information on  
24 that. If I may I can put Mr. Curtis under oath  
25 and ask him questions directly to that point if



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

**CURTIS V. GLENN**

20

1           you like, Your Honor.

2   **THE COURT:**   Yes.   Let me do that.

3   **MR. DODD:**    Okay.

4   **THE COURT:**   Would you raise your right hand?   Do you  
5           swear or affirm the testimony you're gonna give  
6           in this case to be the truth, the whole truth  
7           and nothing but the truth so help you God?

8   **MR. CURTIS:**   I do.

9   **THE COURT:**   If you would please answer any questions  
10          that your attorney may have.

11   **MR. CURTIS - DIRECT EXAMINATION BY MR. DODD:**

12   Q:   Thank you, Your Honor.   Mr. Curtis, the Order  
13          that is in question in this case -- as  
14          previously stated -- says that the Defendant  
15          shall be allowed to access her husband's grave  
16          by vehicle.   And the Defendant shall be allowed  
17          to take tools with her to care for and maintain  
18          the grave site.   Mr. Curtis, you're the owner  
19          of the property in question, correct?

20   A:   Correct.

21   Q:   And do you own the property from the state  
22          maintained road adjacent to your property all  
23          the way up to the gate that has been pointed  
24          out many times in these proceedings?

25   A:   Yes, I do.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896



CURTIS V. GLENN

21

1 Q: Mr. Curtis, is it your testimony that the road  
2 from the state maintained road to that gate  
3 serves as a driveway for access to the burial  
4 ground?

5 A: Yes, it does.

6 Q: So is it your testimony that anyone who wishes  
7 to visit their grave has vehicle access to the  
8 burial ground?

9 A: Yes.

10 Q: And in your estimation would it be feasible to  
11 bring tools or other items with you beyond the  
12 gate to visit or access a grave site?

13 A: Normally we require individual permission for  
14 those kind of things because when maintaining  
15 a grave site we have oversight as to how they  
16 are maintained, but I don't see any obstacle in  
17 someone carrying tools with them if those  
18 arrangements have been made.

19 Q: Well let me ask it this way, Mr. Curtis, if I  
20 were to -- was to wish to come out there for  
21 some maintenance purpose or decoration or, you  
22 know, to place something at a grave site for  
23 religious or other purposes would I be able to  
24 carry that item on my person use a wheelbarrow  
25 or a wagon or some other method of accessing



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

22

1 the grave?

2 A: Generally speaking we would allow that.

3 Q: But I would have vehicle access up to the point  
4 the beginning of the burial ground, correct?

5 A: Yes.

6 Q: Have you ever wheeled anybody up to a grave  
7 site?

8 A: We have. We just -- I think four days ago,  
9 maybe five days ago, we took someone in a  
10 wheelchair up there and assisted them all the  
11 way in a wheelchair.

12 Q: So if someone in a wheelchair can go to -- at  
13 or near the place Ms. Glenn's husband's grave  
14 site, it would then also be possible to bring  
15 shovels or tools or other equipment that you  
16 may need to do maintenance at a grave site?

17 A: Absolutely. I've done it many times myself.

18 Q: By one's obtaining vehicle entry to your  
19 property from the road?

20 A: Yes. There's nothing that would prohibit the  
21 carrying of tools or a push cart or a  
22 wheelbarrow or whatever to carry tools to and  
23 from.

24 **MS. GLENN:** May I ask questions, Your Honor?

25 **THE COURT:** Mr. Dodd, are you done asking your



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

23

1 questions?

2 **MR. DODD:** One moment, Your Honor. I want to make  
3 sure that I am. I have no further questions at  
4 this time, Your Honor.

5 **THE COURT:** All right. Ms. Glenn, if you have  
6 follow-up.

7 **MR. DODD - CROSS-EXAMINATION BY MS. GLENN:**

8 Q: So, Mr. Curtis, you said that there would be a  
9 thousand graves there. Are you saying that  
10 pallbearers -- I also want to point out it's at  
11 least a half mile steep walk -- steep walk --  
12 to my husband's grave at the top of the hill.  
13 There are plenty of room for other graves to be  
14 there. So, are you saying that pallbearers now  
15 have to walk that entire route zigzagging  
16 around caskets if somebody chooses to be buried  
17 there?

18 A: I'm not saying that at all.

19 Q: How are caskets going to get up there?

20 A: We don't do caskets.

21 Q: How are the deceased in whatever container  
22 going to get up there?

23 A: We will transport them.

24 Q: How?

25 A: I really -- many methods I suppose. Whatever



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

CURTIS V. GLENN

24

1 method the family wants.

2 Q: So, hypothetically let's just say dogs continue  
3 to be on the property -- and as it has been the  
4 past year and a half -- I'm not able to get up  
5 there. And the Court of Common Pleas orders  
6 you to pay for re-internment of my husband how  
7 will I get him out of there?

8 A: If the Court orders it the Court will order it.

9 Q: We're gonna drive over graves to get him out of  
10 there?

11 A: Now you see my problem, right?

12 Q: Excuse me?

13 A: Now you see my problem, right?

14 Q: I see a problem with there being a grave in the  
15 drive.

16 A: There is no drive there, Ms. Glenn.

17 Q: I see a problem with you removing the driveway.

18 A: There is no driveway there. There never has  
19 been a driveway there.

20 Q: Your Honor, there were a good 20 cars at my  
21 husband's funeral.

22 **THE COURT:** All right. Let me do this today -- just  
23 for the record there is a Rule to Show Cause  
24 Complaint was filed by (inaudible) on I believe  
25 it was August 13th. That case needs to be



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

**CURTIS V. GLENN**

25

1           scheduled for a hearing. I am going to -- I'm  
2           gonna issue an injunction against placing  
3           anyone in the grave that's been dug for Ms.  
4           Cortez until that court date, and we can get  
5           that court date scheduled as quickly as  
6           possible. I don't find that we're stopping  
7           anyone's funeral by doing so, and that will  
8           give both parties an opportunity to present  
9           evidence as to whether or not this area is a  
10          driveway and is the necessary vehicle access to  
11          graves that are further back in the property.  
12          But for right now I am going to maintain the  
13          injunction, and the Court will be in touch with  
14          both of you as to the hearing on the Rule to  
15          Show Cause.

16   **MS. GLENN:** I have a question, Your Honor?

17   **THE COURT:** Yes?

18   **MS. GLENN:** Does that prohibit him from buryin' Ms.  
19           Cortez or anyone?

20   **THE COURT:** Anyone.

21   **MS. GLENN:** Thank you.

22   **THE COURT:** In that site. Not in the rest of the  
23           property but in that -- in the site that is  
24           indicated by those pictures there at the gate.  
25           No one is to be buried there until further



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

26

1           hearing of the Court.

2   **MS. GLENN:**     What about other sites that would  
3           inhibit access?   It's 12 acres, Your Honor.  
4           It's a very large property.

5   **MR. CURTIS:**   Exactly.

6   **MS. GLENN:**    (inaudible).

7   **THE COURT:**   No bodies are to be buried in any grave  
8           on any part that appears to be a driveway until  
9           the Court has time to clarify where that  
10          driveway is located on the property.

11   **MS. GLENN:**   Thank you.

12   **MR. CURTIS:**   So if this woman passes away in the  
13          next couple days -- which is to be expected --  
14          I'm not allowed to bury her she chooses to be  
15          buried just like I did Ms. Glenn's?

16   **THE COURT:**   You can't -- you cannot bury her in that  
17          particular location.   If we can have the  
18          hearing before she passes away then that would  
19          render that question moot so I'm going to  
20          encourage everyone to try and schedule this as  
21          quickly as possible.  Mr. Dodd, I know you have  
22          a little one on the way.  Do you think possibly  
23          next week we could have this hearing?

24   **MR. DODD:**    Yes, Your Honor, I do believe we would be  
25          able to do it next week.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

## CURTIS V. GLENN

27

1     **THE COURT:** All right. Ms. Glenn, any objection on  
2                   your part for having the hearing next week?

3     **MS. GLENN:** Any day but Tuesday would be wonderful  
4                   for me, Your Honor.

5     **THE COURT:** Any day but Tuesday? All right. Just a  
6                   few minutes I'm gonna have (inaudible) give you  
7                   a call and get that scheduled, okay?

8     **MS. GLENN:** All right. Congratulations, Mr. Dodd.  
9                   I wish you well.

10    **MR. DODD:** Thank you. I appreciate it.

11    **THE COURT:** That concludes the hearing.

12    **MR. DODD:** Thank you, Your Honor.

13    (There being no further testimony, the virtual  
14    hearing concluded.)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

**CERTIFICATE**

This is to certify that the within hearing consisting of twenty seven (27) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on October 8, 2020.

Coral Strickland

Coral Strickland

Notary Public for South Carolina  
My Commission Expires: July 2, 2028



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896



October 12, 2020

To whom it may concern,

The transcripts in the matter of Kenneth Curtis V. Cynthia Glenn were mailed to her address on Friday, October 9, 2020. Due to the postal holiday the delivery of the transcripts has been delayed. They are scheduled to be delivered on Tuesday, October 13, 2020.

Sincerely,

Coral Strickland

Coral Strickland, Production Manager  
Creel Court Reporting, Inc.



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

**CERTIFICATE**

This is to certify that the within hearing consisting of thirty (30) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on October 9, 2020.

Coral Strickland

Coral Strickland

Notary Public for South Carolina  
My Commission Expires: July 2, 2028



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

**CERTIFICATE**

This is to certify that the within hearing consisting of twenty seven (27) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on October 8, 2020.

Coral Strickland

Coral Strickland

Notary Public for South Carolina  
My Commission Expires: July 2, 2028



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896