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**RESPONDENT'S ANSWER IN OPPOSITION TO:
PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

Hon. Charles B. Simmons Jr. Master-in-Equity

Appellate Case No. 2020-001699

Opinion No. 2024-UP-126 S.C. Ct. App. Filed April 17, 2024

Kenneth E. Curtis, Respondent

V.

Cynthia Glenn, Petitioner

RESPONSE IN OPPOSITION TO PETITION FOR CERTIORARI BY APPELLANT/PETITIONER CYNTHIA J.

Appellate Case No. 2024-00974

Kenneth E. Curtis

Respondent Pro Se

113 Edwards Rd.

Marietta, S.C. 29661

Ph. (864) 884-9503

Cynthia J. Glenn Petitioner

411 West Main Street, Unit 87

Grey Court, South Carolina, 29645

Ph. (864) 350-2830

RESPONDENT STATEMENT:

Now comes Respondent, Kenneth E. Curtis, Pro Se in opposition to Appellant's request for Writ of Certiorari. Respondent explicitly, specifically and in whole total, rejects, denies and makes moot each and every claim of Appellant Cynthia J. Glenn contained in her Petition.

There can now no longer remain any doubt or ambiguity as to the findings of all the many South Carolina Courts and Agencies that have heretofore considered the matters brought forth from Appellant Glenn proving and providing the fact that, SALUDA REST MINISTRIES is PRIVATE PROPERTY and a PRIVATE PROPERTY CEMETERY/ CEMETERY ON PRIVATE PROPERTY in all its contiguous parcels and therefore properly and exclusively governed under South Carolina Code of Laws, Chapter 43, Article 3, Section 27-43-310, and specifically exempted under SC Code of Laws 12-37-220(A3).

Saluda Rest Ministries operates exactly as thousands of other South Carolina private property church cemeteries, and private property family cemeteries, and under the same South Carolina statutes. Saluda Rest properties are 100% Tax Exempted Properties by the South Carolina Department of Revenue under applicable [SC Code Section 12-37-220(A3) Churches and Burial Grounds. Saluda Rest Ministries is strictly Non-Profit and has never sold, demanded of, or billed anyone for any product or service. Saluda Rest does not sell burial plots or caskets. Saluda Rest has never advertised burial service to the public. Saluda Rest has no compensated employees. Saluda Rest is not a funeral home nor are we funeral directors. All persons wishing to act personally in the legal capacity of Funeral Director when burying loved ones at Saluda Rest must personally visit the burial ground, speak extensively with the owner / Respondent (Curtis) and sign a "Release of Liability and Consent to Procedures" document with Saluda Rest. Petitioner Cynthia J. Glenn signed this informed consent document and legally acted as her own Funeral Director at Saluda Rest in the burial of her husband.

From the beginning this case has been of the very simplest of statutory matters, with all proper party actions clearly, completely, extensively, and explicitly covered under **SOUTH CAROLINA CODE OF LAWS, Chapter 43, Article 3, Section 27-43-310 [Access to Cemeteries on Private Land]**. Unfortunately also from the beginning this case was mishandled, spoiled, prejudiced, prolonged and furthered because the Magistrate Judge first handling the case, (a) Refused a proper request for recusal and venue change by attorney for Respondent. (b) Refused to properly apply the clear provisions of statute to this case. (c) Refused and Failed to comply with the explicit Orders of South Carolina Chief Justice Don Beatty in that he did not first require Appellant Glenn to fill out Form SCCA/681 acknowledging and attesting to having properly submitted in writing a request for access to property owner. As well the Magistrate refused and failed to comply with the same "ORDER TO ALL SOUTH CAROLINA MAGISTRATES" (dated February 23, 2018) by not filling out Form and Checklist SCCA 680 attesting to having received evidence of proper request from Appellant Glenn.

Access to Private Property Burial Grounds cases have been a longtime troublesome issue, and extensively litigated in the South Carolina Courts. In addressing this court clogging, contentious issue South Carolina Supreme Court Chief Justice Hon. Don Beatty (Ret.) issued a Binding Order and Checklist

(SCCA 680 and SCCA 681) for all SC Magistrates. This Supreme Court Order requires all South Carolina Magistrates to 1) complete, 2) issue, and 3) forward the Checklists with "ANY CASE OF PRIVATE CEMETERY ACCESS". There can be no reasonable justification or explanation as to why this case should have ever left the confines of a proper Magistrate level court, and no reasonable explanation as to the refusal of the Magistrate during proceedings to simply follow applicable South Carolina statute as well as the direct Supreme Court Order which is clearly applicable and controlling in this case. The direct, improper and contemptuous refusals of Magistrate Kenneth Sutherland to follow both clear statute and the recent Supreme Court Order of Chief Judge Beatty have emboldened a vexatious Litigant/Appellant, caused large expense in both time and monies to both the South Carolina Courts and Respondent Kenneth Curtis. This case could not be a better example as to why Chief Justice Beatty found it necessary to both create and order SCCA 680 and SCCA 681. IF, Magistrate Sutherland had properly used these simple Checklists, as required by Supreme Court Order, it would have been quickly and obviously apparent that Glenn had not met, and indeed adamantly had no intention to meet, the most basic statutory obligation of a petitioner party in requesting written visitation bounds and schedule.


Instead Magistrate Sutherland issued several conflicting and confusing orders exceeding his jurisdiction and authority and by outrageous fiat ordered the Private Properties of Saluda Rest be made Public Access and ordered Curtis to Permanently Post signage specific to Cynthia Glenn's access as dictated by the Magistrate. Respondent Curtis was improperly ordered by the Magistrate to file an appeal in both South Carolina Circuit Court, AND with the Master in Equity simultaneously to determine what type of cemetery Saluda Rest was and is. No evidence was ever presented that Saluda Rest properties were anything but PRIVATE PROPERTY CEMETERY / BURIAL GROUNDS. Magistrate Sutherlands order would have changed title to Saluda Rest properties, and taken without compensation, the value and free use of the private properties of Saluda Rest Ministries. Further and perhaps most egregious Magistrate Sutherland violated Respondent Curtis's private property and civil rights issuing a contempt citation against Respondent Curtis resulting in a jail sentence of 5 days for refusing to open access gates and allow vehicle access by Glenn onto the properties of Saluda Rest, an action which is specifically and explicitly excluded to Magistrates by the governing statute. This entire case could and should have been easily and finally adjudicated in South Carolinas Magistrate Court. It most certainly would have been had Magistrate Sutherland properly fulfilled his statutory obligations heeding the plain language and requirements of both South Carolina statute and the directly applicable and recent Order of Chief Justice Don Beatty. Instead, regrettably, the Magistrate chose to entertain without any foundation, the narcissistic, vexatious, premature, inflated and conflated public cemetery arguments of Glenn Pro Se into court.

To date Appellant Glenn has refused to acknowledge any need or requirement of owner permission for entry onto the private properties of Saluda Rest Ministries with insistent claims of public cemetery open access. Glenn has never sent any written request for access to Saluda Rest properties. Neither has Greenville County Magistrate Kenneth Sutherland used, completed, or filed the required South Carolina Supreme Court ordered Checklists SCCA 680 and SCCA 681 when deciding this case, nor did he forward the completed forms to any upper court as required by Order.

Let this Respondent be perfectly clear. A South Carolina Magistrate under the direct supervision of this South Carolina Supreme Court refused a proper request for recusal and venue change and further refused to follow the direct order of Chief Justice Don Beatty that was specifically intended to prevent cases exactly like this one from advancing in the South Carolina Courts without proper statutory compliance and proper due process. Magistrate Kenneth Sutherland clearly was in open contempt of the Order of this South Carolina Supreme Court when he issued a contempt citation against this Respondent and jailed (Curtis) without due process and contrary to statute.

Therefore, it is the request of Respondent Kenneth Curtis that Appellant Glenn's Petition for Writ of Certiorari be denied in the entirety. And that this Supreme Court of South Carolina, having complete oversight and authority over South Carolina Magistrate Judges, perform the proper disciplinary function in reviewing the actions of Greenville County Magistrate Kenneth Sutherland in this case, make mention of Magistrate error in any documentation or reference to this case and refer this case and matter to the Judicial Disciplinary Board for hearing.

So Pleads Respondent,



Kenneth E. Curtis

113 Edwards Rd.

Marietta S.C 29661

Ph. (864) 884-9503

K. CURTIS
113 EDWARDS RD
MARIETTA, SC
29661



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THE SOUTH CAROLINA SUPREME COURT
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