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AUG 31 2023

Court of Appeals

BRIEF OF RESPONDENT THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM GREENVILLE COUNTY, COURT OF COMMON PLEAS

The Hon. Charles B. Simmons Jr.

Master In Equity

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

Appellate Case No.2020-001699

Kenneth Curtis, Respondent

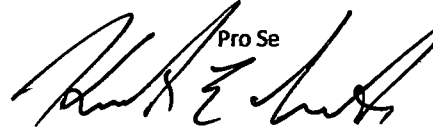
v.

Cynthia J. Glenn, Appellant

[FINAL] BRIEF OF RESPONDENT

Kenneth E. Curtis,

Pro Se



113 Edwards Rd.

Marietta, S.C 29661

(864) 884-9503

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FINAL BRIEF OF RESPONDENT

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Respondent's Final Brief: Statement of Case

BEGGING THIS COURTS INDULGENCE

Saluda Rest Ministries Preserve and Natural Burials is an active and operating non-profit burial Ministry / Church that uses the occasion of death to minister to the grieving through preaching Christian doctrines in services and facilitating families in the burial of loved ones.

All persons responsible for the dispensation of remains act legally as their own Funeral Directors when burying at Saluda Rest. As such they are solely responsible for all legally required procedures and paperwork such as, Burial Removal and Transportation Permit, and SC D.H.E.C Death Certificates connected with any burial. 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 all 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 is strictly non-profit and has never sold, demanded of, or billed anyone for, any product or service. Saluda Rest does not sell plots or caskets. Remains buried at Saluda Rest become part and parcel Saluda Rest properties by consent and authority of the person responsible for dispensation. Saluda Rest requests responsible persons, self acting as Funeral Director only to cover our actual material costs by donation. However, Saluda Rest performs all functions regardless of an individual's ability to compensate our material costs. Saluda Rest has never accepted ANY donation in advance of actual grave closing and has never made any type of demand for monies. Saluda Rest has never advertised burial service to the public nor solicited bodies for burial. Saluda Rest has no compensated employees. Saluda Rest accepts many indigent persons for burial from upstate County Coroners without

compensation. All persons wishing to act as Funeral Directors 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.

Cynthia Glenn signed this informed consent document.

From the beginning this case has been of the very simplest of statutory matters, being completely and explicitly covered under:

South Carolina Code of Laws, Chapter 43, Article 3, Section 27-43-310
[Access to Cemeteries on Private Land].

Starting after appellant Glenn's undisputed multiple unannounced, unscheduled and unauthorized entrances through locked gates onto the properties of Saluda Rest, Respondent (Curtis) contacted Appellant (Glenn) to address access notification, as well as the significant damage done to Saluda Rest Properties by Appellant (Glenn) in her Jeep vehicle by driving directly across manicured graves and badly rutting delicate wetland drainage areas. Glenn was found responsible and ordered to pay Respondent (Curtis) for these damages by Greenville County Magistrate Kenneth Sutherlin Jr.

After all sincere good faith attempts by Respondent (Curtis) to resolve visitation issues with Glenn were met with angry denial and direct threat by Appellant (Glenn), Respondent (Curtis) sought proper statutory relief in Travelers Rest Magistrate Court, under Magistrate Sutherlin.

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. Donald W. Beatty, issued a ***Binding Order*** (February 23, 2018) and a ***Checklist for S.C. Magistrates***. The Order requires Magistrates 1) complete, 2) issue, and 3) forward this Checklist Order with any case of Private Cemetery Access. Titled RE: ***Checklist for Magistrates and Municipal Judges, (SCCA/681)***.

This case could not be a better example as to why the Checklist was created and ordered to all Magistrates by the South Carolina Chief Justice.

If Magistrate Southerlin had properly used this simple Checklist (SCCA/681) as required by Supreme Court Order, it would have been quickly and obviously apparent that Glenn had not met, and adamantly had no intention to meet, the most basic statutory obligation of a petitioner party in Question #3, *Has "The Petitioner made a proper written request, pursuant to SC Code Section 27-43-310 for access to a cemetery, burial ground or grave, located on land owned or occupied by the respondent."*

It is a requirement of the statute cited that a written request be made by any petitioner for access to a burial ground located on private property be sent to that owner seeking appropriate visitation access, and giving owner the opportunity to give reasonable times and conditions for visitation. Thereby, protecting the private property rights of owners as well as rights of petitioners with enforceable written documentation.

To date, Appellant Pro Se (Glenn) has refused to acknowledge a need for owner permission for entry, claiming public cemetery open access applies to Saluda Rest private property. Glenn has never sent any such required written access request to Saluda Rest or Respondent (Curtis).

Neither has Greenville County Magistrate Sutherlin used, completed, or filed the required South Carolina Supreme Court issued Checklist when deciding this case, or forwarding the case to any upper court as required by Supreme Court order.

This case could and should have been easily and finally adjudicated in Magistrate Court. It most certainly would have been, had the Magistrate heeded the plain requirement of both statute and Supreme Court Order. Instead regrettably, the Magistrate chose to entertain the narcissistic, premature, inflated, and conflated public cemetery arguments of Glenn Pro Se into the court.

Magistrate Southerlin then issued multiple orders, that would have changed title, and made public, the private properties of Saluda Rest and Kenneth Curtis, (an action clearly outside of Magistrate fiat authority),

thereby emboldening Glenn and setting in motion this unnecessary, costly and protracted case.

After objection and motion by attorney for Respondent (Curtis), a Clarification of Order hearing was held in Magistrate court.

Magistrate Sutherlin, recognizing the private property issues beyond his authority, *ordered* the Respondent (Curtis) to Master In Equity Court under the Hon. Charles B. Simmons Jr.

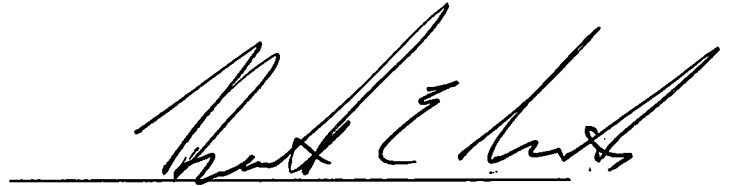
Respondent (Curtis) believes that Master In Equity Simmons was unquestionably and uniquely the best and only truly qualified judicial entity able to cut through the issues of this case, and sort out Magistrate Court errors. Master In Equity Simmons has previously visited and resolved ownership and boundary issues with the current properties of Saluda Rest. He is therefore well familiar with the ownership, history, boundaries, and purposes of the property as clearly reflected in his Masters Order in this case. The Master is not confused, nor unaware of, the adjoining synchronous nature of the two parcels as Appellant Glenn seems to be, or supposes the Master to be.

Respondent (Curtis) has never directly spoken to Master In Equity Simmons, outside of in court proceedings as a witness, nor has he any relationship with Master Simmons whatsoever.

Respondent (Curtis) believes this case to have been properly and completely resolved in Masters Court by The Hon. Charles B. Simmons Jr.

Respondent (Curtis) therefore prays this Court will order dismissal of all Appellant claims with prejudice to include an Order of Review issued to Appellant (Glenn), preventing Cynthia Glenn from further Pro Se court filing without court review for her vexatious conduct, therein returning all jurisdiction of any future issue between parties to the Master's Court and The Honorable Charles B. Simmons Jr.

END: [Respondent's Statement of Case]

A handwritten signature in black ink, appearing to read "Kenneth E. Curtis", is written over a horizontal line.

Kenneth E. Curtis

Pro Se

113 Edwards Rd.

Marietta, South Carolina, 29661

(864) 884-9503

Respondent's Answer To Final Brief Of Appellant

BEGGING THIS COURTS INDULGENCE

Respondent (Kenneth Curtis) presenting Pro Se, asserts that all issues brought forth from Appellant (Cynthia Glenn) in her final brief have been properly, lawfully and meticulously addressed in the Master In Equity Order by the Hon. Charles B. Simmons Jr. in this case, and there are no legitimate issues whatsoever remaining for this Appellate Court to consider. Reference:

C.A. NO.: 2020-CP-23-00939 and Order issued by Master In Equity,
In The Court Of Common Pleas 13th Judicial Circuit,
Hon. Charles B. Simmons Jr. Signed 2020-10-29

To date Appellant Pro Se (Glenn) has failed to order or pay for a Full Transcript of the proceedings from Master In Equity Court as required by APPELLATE COURT RULES. Appellant Pro Se Glenn has instead filed a convoluted and fanciful motion regarding a full transcript with this Appellate Court implying some imagined holding "in abeyance due to a Federal case.", and seeking to proceed with a partial, contextually insufficient transcript that in no way complies with the rules required to proceed in this appeal or that allows Respondent (Curtis), to prepare a proper response or factually and contextually contest the Appellant's many false bald assertions and misrepresentations of witness testimonies as well as Master Simmons' statements made at trial. Respondent (Curtis) objects to this motion to proceed by Appellant Pro Se (Glenn).

Appellant Pro Se (Glenn) has served a Notice of Removal to Federal District Court wildly alleging civil rights violations in this case. This is clearly more than indication of Appellant (Glenn's) intention of pursuing a Federal case regardless of any decision of this or any South Carolina Court.

Essentially, Appellant Pro Se (Glenn) is asking to simultaneously try dual cases in both State and Federal courts and use her Federal court filings in order to excuse her failure to comply with the transcript rules of this South Carolina Court. Appellant Pro Se (Glenn's) case should be dismissed for failure to order, and make timely available, the Full Transcript from the Masters Court according to the plain rules of this South Carolina Court.

Appellant Pro Se (Glenn) outrageously and shockingly questions the ethics and motives of Master In Equity, The Hon. Charles B. Simmons in not recusing himself, then salaciously accuses him of being "intimately involved with [*Ref. Appellant's Initial and Final Brief pg #4 items #5 & #6*], and of "befriending" Respondent (Curtis).

Common language interpretation could only lead to a conclusion of a baseless and outrageously salacious accusation of illegal conduct against both Master In Equity, Hon. Charles B. Simmons and this Respondent (Curtis). Such repeated accusation and declaration in Appellant (Glenn's) briefs without any basis whatsoever, should never be tolerated by this Court, nor should it be left as a frivolous issue unaddressed directly by this Court.

IF this were Appellant Pro Se (Glenn's) only such malicious accusation against a South Carolina Judge sitting in one of Glenn's Pro Se court representations, it would be conduct outrageous enough to warrant sanction. However, It becomes exponentially more relevant and egregious if this Court considers that Appellant Pro Se (Glenn) has also very recently, directly, maliciously, egregiously and salaciously accused yet another respected Jurist, South Carolina Family Court Judge, The Hon. Rochelle Y. Conits, of ***Criminal "Distribution of Pornography to a Child"*** in repeated court filings,-

(Ref. United States Court Of Appeals for the Fourth Circuit, No. 19-1555 (6:18-cv-01609-DCC) Cynthia Glenn Pro Se Plaintiff/Appellant and Mark Guion v. Defendants, Melissa Marsh, Rochelle Y. Conits, Rachel Hopkins, Brittany Van De Gohm, John Does 1-20, Jane does 1-20, XYZ 1-0, Entities and Agencies) and seeking millions of dollars in damages from Judge Conits directly. This Pro Se (Glenn) case was completely dismissed by MANDATE and JUDGEMENT, June 19, 2020.

Appellant Pro Se (Glenn) is clearly, demonstrably and provably a ***Vexatious Litigant*** by any legal standard. Appellant (Glenn) has grossly abused her many Pro Se indulgences and leniencies granted by previous Courts in order to harass, falsely accuse and abuse many innocent individuals as well as clog the courts with a plethora of cases Local, State, and Federal with wildly inappropriate filings and knowingly false statements. Accusations against public officials that are completely inappropriate, that would never be allowed any practicing Bar Licensed Attorney. Appellant (Glenn) knowingly presented false evidence in this case wildly accusing Respondent (Curtis) of being part of a "large Meth ring" and "ongoing criminal enterprise".

While Respondent (Curtis) recognizes and supports an individual right to self-representation, a person acting Pro Se must adhere to the same standards and rules as a Licensed Attorney. Any Licensed Attorney would surely be sanctioned by both Bar and Courts for conduct even remotely similar to that of Appellant Pro Se (Glenn). Therefore, Respondent (Curtis) asks this Court to issue not only a complete Order of Dismissal in this case, but that it review all filings and cases, (to include County, State, and Federal) filed and argued by Appellant Pro Se (Glenn) and issue a

Sanction of Review Order,

barring Cynthia Glenn from henceforth entering into any legal proceedings Pro Se without the prior approval of this Court, and remand oversight and jurisdiction back to the Master In Equity regarding any and all future or remaining issues involved with this case and between parties.

Appellant Pro Se (Glenn) quite simply refuses to accept reason or any ruling, by any authority, that Saluda Rest Ministry properties are not a public interest of any kind, and in particular not a public cemetery. Appellant Pro Se (Glenn) continues unabatedly and repeatedly to insist that a "Public Interest" exists in the private properties of SALUDA REST MINISTRIES in spite of the unquestionable Jurisdiction and Order of the Master In Equity detailing that that no public interest exists in this Private Property. Cynthia Glenn has admittedly filed multiple factually false complaints in this regard with the South Carolina Department of Labor, Licensing and Regulation, The South Carolina Cemetery Board and the South Carolina Attorney General's Office. All South Carolina agencies listed have, after completing their investigations, issued Letters of Complaint Dismissal [*Ref. South Carolina Department of Labor, Licensing and Regulation and South Carolina Cemetery Board, Office of Investigations and Enforcement, letter to Kenneth Curtis Dated 11-5-2020, re. case 2020-62*] against all of Glenn's public interest, as well as regulatory claims, with "well wishes" to the Respondent (Curtis) and Saluda Rest Ministries in "future endeavors."

Yet, appallingly and with flagrant disregard to all rulings, Appellant Pro Se (Glenn) continues to don her crusaders cape of public interest and supposed benevolent representation of a non-complaining public, with demands upon the South Carolina Attorney General's Office to intervene in a matter clearly outside of its purview and of no relevance to this case in any way. This Court should specifically bar any future public interest claims by Glenn in any **Review Sanction** it may impose against Appellant (Glenn), so prays Respondent Kenneth Curtis.

Proper relief was granted Glenn from the Masters Court, granting Glenn through gate vehicle access, visitation with 24 hour notice and a mutual restraining order.

Glenn has absolutely NOT been prevented or hindered in visitation to the gravesite of Mark Guion in any way whatsoever and Glenn has not presented any claim of such to the Master or law enforcement. Respondent (Curtis) has complied completely with the Order of Master In Equity, Simmons.

The issue of Glenn's, public access /public interest claim was fully addressed in the Masters Order when he ruled, Saluda Rest and the property of Kenneth Curtis to be private property and a cemetery on private property. This clear private property declaration and determination by the Masters Court, has been the Respondent (Curtis') claim and plea from the beginning of Magistrates court proceedings.

All Magistrate Court issues of Glenn's were fully addressed by the Masters Order and Jurisdiction.

In conclusion:

Saluda Rest Ministries and Kenneth Curtis have been performing natural burials as part of ministry for over twenty years using the entirety of our private adjoining properties. Over 75 whole body burials and dozens of cremains scatterings/burials have been done at Saluda Rest properties with zero complaint of any kind. The only exception being that of Appellant Cynthia Glenn.

Proper relief having already been granted Glenn by the Master, it is clear by her lack of actual grave visitation and her conflated court filings that Glenn's obvious motive is to punish and abuse Respondent (Curtis) with endless regulatory agency and court filings. Respondent Kenneth Curtis therefore prays this court to, dismiss with prejudice Appellant Cynthia Glenn's appeal in entirety, and issue an Order of Review to Glenn preventing her from further Pro Se filings without this courts review and approval.