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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY

Court Of Common Pleas

George M. McFaddin, Jr. Circuit Court Judge

Case No. 2020-CP-43-01863, Circuit Court
Appeals Court Docket No.: 2021-001368

New Life Apostolic Church, Inc., and Ricky Finklea Appellants,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr.,
Lang Priestler, David S. Johnson, Sr., and Paul C. Johnson Respondents.

**APPELLANTS
RECORD ON APPEAL
VOLUME I of II**

Charles J. Boykin, Esq.
Kenneth A. Davis, Esq.
Tierney F. Goodwyn, Esq.
Boykin & Davis, LLC
P.O. Box 11844
Columbia, South Carolina 29211
Telephone: (803) 254-0707
Facsimile: (803) 254-5609
cjboykin@boykinlawsc.com
kdavis@boykinlawsc.com
tgoodwyn@boykinlawsc.com

Counsel for Appellants,
New Life Apostolic Church, Inc. and
Ricky Finklea

James Y. Becker, Esq.
Costa M. Pleicones, Esq.
Ronald T. Scott, Esq.
Haynesworth Sinkler Boyd, PA
1201 Main Street, 22nd Floor
Columbia, South Carolina 29201
Telephone: (803) 779-3080
Facsimile: (803) 765-1243
jbecker@hsblawfirm.com
cpleicones@hsblawfirm.com
rscott@hsblawfirm.com

Sarah P. Spruill, Esq.
Haynsworth Sinkler Boyd, PA,
Post Office Box 2048
Greenville, South Carolina 29602
Telephone: (864) 240.3200

Facsimile: (864) 240.3300
sspruill@hsblawfirm.com

G. Murrell Smith, Jr., Esq.
Smith Robinson Holler Dubose Morgan, LLC
P.O. Box 580
Sumter, South Carolina 29151
Telephone: (803) 778-2471
Facsimile: (803) 778-1643
murrell@smithrobinsonlaw.com

Counsel for Respondents,
Progressive Church of Our Lord Jesus
Christ, Inc., Theodore Jenkins, Sr., Lang
Priester, David S. Johnson

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TRANSCRIPT

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Sumter County, South Carolina - July 1, 2021 614

CERTIFICATE OF COUNSEL

Certificate of Counsel 677

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

New Life Apostolic Church, Inc., and Ricky Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND DENYING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

This matter is before the Court pursuant to the Motion for Partial Summary Judgment of Defendants Progressive Church of Our Lord Jesus Christ, Inc. ("Progressive Church" or "Church"); Bishop Theodore Jenkins, Sr.; Bishop Lang Priester; Bishop David S. Johnson, Sr.; and Bishop Paul C. Johnson (collectively "Defendants") and Plaintiffs New Life Apostolic Church, Inc. and Ricky Finklea's ("Plaintiffs") Motion for Preliminary Injunction. The motions have been fully briefed and a hearing was held on July 1, 2021.

I. INTRODUCTION

Plaintiff Ricky Finklea ("Finklea") is the pastor of Plaintiff New Life Apostolic Church, Inc. ("New Life" or "NLAC"), a church corporation formed by Finklea in December 2014. Finklea is also a former pastor and elder of the Defendant Progressive Church of our Lord Jesus Christ, Inc.'s local congregation in Sumter, South Carolina (the "Sumter Congregation"). The individual Defendants, Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr.,

and Bishop Paul C. Johnson are the current members of the Progressive Church's Board of Bishops, its highest governing body for both ecclesiastical and secular matters.

On December 18, 2020, Finklea and New Life filed this action against the Progressive Church and against the individual members of the Progressive Church's Board of Bishops. At its core, this dispute concerns the ownership of the real property purchased by the Progressive Church and used by the Progressive Church's Sumter Congregation. The property is comprised of four adjoining parcels located in Sumter, South Carolina (collectively the "Sumter Property" or "Property"). The property is located at 219 Crescent Avenue, which was purchased by and conveyed to the Progressive Church by deed in 1998 ("1998 Deed"); and 502, 504, and 508 N. Main Street, which were purchased by and conveyed to the Progressive Church by deed in 2005 ("2005 Deed").

This dispute also involves challenges by Finklea and New Life to the status and governance authority of the individual members of the Progressive Church's Board of Bishops. In the Amended Complaint, Finklea and New Life assert three causes of action for equitable legal relief. In the First Cause of Action for Declaratory Judgment, Finklea and New Life assert numerous allegations regarding the past and present ecclesiastical and secular governance of the Progressive Church. They seek a declaration from this Court that "(1) the Individual Defendants are not the governing board of the Progressive Church and have no authority to take action on behalf of the Progressive Church;" and "(2) the procedures in Article V of the Church Constitution shall be used for filling [alleged] vacancies on the Progressive Church's Board of Bishops or, in the alternative, the Board of Bishops shall be determined by the Progressive Church membership at a Convocation." Am. Compl. ¶ 62.

Finklea and New Life's First Cause of Action also seeks declaratory relief regarding the Sumter Property as follows: "(3) the deed for the Property recorded by the Individual Defendants on September 20, 2019 ("2019 Deed") is invalid; (4) NLAC is the successor in interest of the Sumter congregation of the Progressive Church with respect to the Property; and (5) NLAC has rightful possession of the Property and cannot be evicted or otherwise removed from the Property by the Individual Defendants." Am. Compl. ¶ 62. Finklea and New Life's Third Cause of Action also involves the Sumter Property and is for reformation of the 1998 and 2005 Deeds "so that they reflect that NLAC is the owner of the Property." Am. Compl. ¶ 74.

Finklea and New Life's Fourth Cause of Action is an "alternative" claim for quantum meruit, which, Plaintiffs ask this Court to apply only "if the Progressive Church is deemed to be the owner of the Property," and in which case Finklea and New Life allege "the Progressive Church would receive a significant financial and operational benefit as a result of the Property maintenance and improvements made by Plaintiffs since July of 2014," the retention of which would be unjust. Am. Compl. ¶¶ 83-84.

Finklea and New Life's Second Cause of Action seeks preliminary injunctive relief and is completely derivative of and dependent upon the ultimate success of the First and Third Causes of Action.

On December 29, 2020, Finklea and New Life moved this Court for a preliminary injunction that would preserve the status quo until resolution of the underlying litigation and provide that "[d]uring the pendency of this action, Defendants must cease and desist from taking any actions on behalf of the Progressive Church with respect to NLAC's Pastor, Ricky Finklea, the operations of NLAC, or NLAC's use of the property where NLAC conducts its activities (*i.e.*,

the property located at 219 Crescent Avenue and 502, 504 and 508 North Main Street in Sumter, South Carolina.).” Pl. Mot. for Prelim. Injunction.¹

On March 31, 2021, Defendants moved for summary judgment on all of Finklea and New Life’s claims based on their Second, Third, and Fourth Affirmative Defenses, respectively, lack of subject matter jurisdiction, failure to state a claim, and lack of standing. Moreover, Defendants moved for summary judgment on Defendants’ Counterclaims for Declaratory Judgment and Trespass.²

First, Defendants argue that Finklea and New Life have no standing to pursue their First, Second, and Third Causes of Action, in their entirety. According to Defendants, there is no genuine issue of material fact that Finklea and New Life were not members of the Progressive Church at the time this action was filed, and Finklea and New Life thus lack standing to contest the past and present ecclesiastical and secular governance of the Progressive Church or its ownership of real property.

Second, Defendants argue that this Court lacks subject matter jurisdiction to hear Finklea and New Life’s First Cause of Action for declaratory judgment, but only those allegations regarding the past, present, and future internal governance and administration of the Progressive Church, because as a matter of law, civil courts are prohibited by the First and Fourteenth Amendments to the United States Constitution from reviewing the internal and ecclesiastical affairs and decisions of religious organizations and from substituting a court’s judgment for that of the highest ecclesiastical tribunal in a religious organization.

¹ The parties agreed to maintain the status quo until the Defendants filed responsive pleadings and the Plaintiffs’ Motion for Preliminary Injunction could be heard along with the Defendants’ motion.

² Defendants did not move for summary judgment on their counterclaims for an accounting, quantum meruit, and constructive trust.

Third, Defendants argue that Finklea and New Life fail to state a claim on their Third Cause of Action for reformation of the 1998 and 2005 Deeds to the Sumter Property, because there is no genuine issue of material fact that the Finklea and New Life were not parties to either of the deeds nor in privity with any of the parties to the deeds.

Fourth, Defendants argue that Finklea and New Life also fail to state a claim on their Fourth Cause of Action for quantum meruit, because there is no genuine issue of material fact that the Defendants owe no legal duties of disclosure, or otherwise, to Finklea and New Life, and Finklea and New Life cannot establish any other cause of action that would allow recovery for unjust enrichment.

Finally, Defendants also moved for summary judgment on their First Counterclaim for Declaratory Judgment and Second Counterclaim for Trespass on the grounds there is no genuine issue as to the following material facts:

(1) the Progressive Church is the exclusive and sole holder of record legal title to the Sumter Property, and thus has the sole right to the exclusive, peaceable possession of that Property;

(2) the Church Constitution is the governing document for the Progressive Church and it vests ecclesiastical and secular governance authority for the Progressive Church solely in the Board of Bishops, as the highest ecclesiastical body in the Progressive Church;

(3) Finklea and NLAC are not a part of or members of the Progressive Church and have no permission from the Progressive Church, and no contractual or other legal or equitable rights to use, possess, or occupy the Progressive Church's Sumter Property; and

(4) Finklea and NLAC have, since at least July 2014, interfered with the Progressive Church's right to the exclusive, peaceable possession of the Sumter Property.

For the reasons set forth below, this Court grants the Progressive Church Motion for Partial Summary Judgment and denies the Motion for Preliminary Injunction of Plaintiffs Finklea and New Life.

II. FINDINGS OF FACT

The Progressive Church was founded in 1944 in Columbia, South Carolina, and on October 5, 1953, was incorporated under South Carolina law. The incorporating documents for the Progressive Church confirm that the Progressive Church “holds, or desires to hold, property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes.” The Progressive Church is a hierarchical church with its headquarters office in Columbia, South Carolina, from which it provides secular, spiritual, and ecclesiastical governance and oversight for its local church congregations.

The local congregations of the Progressive Church are established by and governed under the hierarchical authority of the Progressive Church and are organized as a body of churches that operate by the same faith, doctrine and administration. The Progressive Church has operated under a governance system of hierarchical polity and has generally observed an annual ruling holy convocation since its founding and under Article IX of the Church Constitution. In some instances, the Progressive Church allows existing local congregations to join the Progressive Church, upon approval by the Board of Bishops. The Progressive Church also establishes financial assessments for the local congregations and rules of order, faith, doctrine, and administration, which each of its local pastors and congregations must follow.

The August 18, 1983, Church Constitution (“Church Constitution”) is the current and official bylaws and governing instrument of the Progressive Church. Article I, Section III, of the Church Constitution states “the purpose of this organization is to teach the doctrines and beliefs of

the Apostolic Faith and to *own, establish and maintain churches*, thereby perpetuating the Progressive Church of our Lord Jesus Christ, Inc.” (Emphasis added.)

Article III, Section II, of the Church Constitution expressly provides that the Board of Bishops “shall govern the church in both spiritual and secular matters” and “shall be responsible for the overall operation of the church and its financial growth and stability.” No other officers, committees, or Boards named in the Church Constitution have any such governance authority or power. The Board of Bishops is the governing board and highest ecclesiastical authority in the Progressive Church.

Article I, Section IV, of the Church Constitution provides that the Progressive Church “shall function on National, District, and Local levels.” Local congregations of the Progressive Church are not self-governed by saints³ but are governed by the Progressive Church’s Board of Bishops, according to Article III, Section II, of the Church Constitution. Pastors who serve local congregations of the Progressive Church, and who are assigned and credentialed by the Progressive Church’s Board of Bishops, are appointed, removed, and reassigned at the ecclesiastical discretion of the Board of Bishops. The Progressive Church maintains oversight of the business and financial matters of its local congregations and has removed pastors of its local congregations for failure to adhere to the Church’s policies for ecclesiastical, business and financial matters.

The current members of the Progressive Church’s Board of Bishops are Bishop Theodore Jenkins, Sr., Presiding Bishop, Bishop Paul C. Johnson, Board Secretary, Bishop David S.

³ The Progressive Church has ecclesiastical or spiritual members that it often refers to as “saints,” “parishioners,” or “members of our church,” but it does not have corporate “member[s]”, as defined in the South Carolina Nonprofit Corporation Act, with any right to vote for directors of the corporation. S.C. Code Ann. § 33-31-140(23)(a).

Johnson, Sr., and Bishop Lang Priester. These members of the Progressive Church's Board of Bishops are duly appointed and authorized to make governance decisions on behalf of the Progressive Church.

Pursuant to the Progressive Church's 1953 Articles of Incorporation, and including before adopting its 1983 Church Constitution, the Progressive Church has, since at least 1958, purchased and titled the real property used by its local congregations as places of worship in its official corporate name: Progressive Church of Our Lord Jesus Christ, Inc. The Progressive Church owns real property in North Carolina, South Carolina, Georgia, and Florida. The Progressive Church's properties are titled and held in the formal corporate name of the Progressive Church of Our Lord Jesus Christ, Inc., with maintenance responsibilities and building upkeep generally attended to by saints of each local congregation of the Progressive Church.

In 1991, upon approval by the Progressive Church and under Article I, Section IV, of the Church Constitution, Bishop David S. Johnson, Sr. established the Sumter Congregation, as a part of the hierarchical Progressive Church. The Progressive Church appointed Bishop David S. Johnson, Sr. as the initial pastor of the Sumter Congregation in 1991. The Progressive Church has maintained oversight of the business and financial affairs of the Sumter Congregation from its beginning.

On August 10, 1998, the Progressive Church purchased the initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina for a purchase price of \$59,750. The Progressive Church paid the full purchase price of \$59,750 from banking accounts it owned and controlled and authorized Bishop David S. Johnson, Sr. to execute the closing documents on behalf of the Progressive Church, titling the property in the Progressive Church's corporate name, Progressive Church of Our Lord Jesus Christ, Inc.

Since the purchase in 1998, the property at 219 Crescent Avenue has been continuously owned by the Progressive Church, titled in its corporate name, and authorized for use only by the Sumter Congregation as a place of worship and to further the ministry of the Progressive Church. No other entity or person has been authorized to use the Property at 219 Crescent Avenue in Sumter, South Carolina.

In or about 2002, the Progressive Church assigned Finklea, a minister licensed by the Progressive Church, to provide subordinate ministerial support to Bishop David S. Johnson, Sr. within the Sumter Congregation. In July 2003, the Progressive Church ordained Finklea an "elder," during an ecclesiastical "laying on of hands" ordination ceremony conducted by Bishop Theodore Jenkins, Sr., Bishop David S. Johnson, Sr. and Bishop Lang Priester, and appointed Finklea to serve as pastor of the Sumter Congregation, remaining under the direct supervision of Bishop David S. Johnson, Sr.

The Bishops expressly instructed Finklea that, in the role of pastor of the Progressive Church's Sumter Congregation, Finklea served under the authority of the Progressive Church. On July 3, 2003, Finklea was required to sign, and did sign, a Ministerial Reaffirmation Statement confirming his responsibility to honor the leadership of the Progressive Church in "all things" and confirming Finklea's responsibility to resign if he could not abide by the directives of the Progressive Church leadership. By accepting the position of elder and pastor of a Progressive Church local congregation, Finklea undertook a confidential and fiduciary relationship with the Progressive Church to serve and promote its spiritual and secular mission and to conserve and safeguard its property, both real and personal.

On May 6, 2005, the Progressive Church purchased additional property at 502, 504, and 508 N. Main Street, in Sumter, South Carolina. The Progressive Church paid the full purchase

price of \$48,000 from banking accounts it owned and controlled and authorized Bishop David S. Johnson, Sr. and the late Bishop Edward Smith to execute the closing documents on behalf of the Progressive Church, titling the property in the corporation's name, Progressive Church of Our Lord Jesus Christ, Inc.

Since the purchase in 2005, the properties at 502, 504, and 508 N. Main Street, in Sumter, South Carolina have been continuously owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation to further the ministry of the Progressive Church. No other entity or person has been authorized by the Progressive Church to use this Property.

In 2007, the Progressive Church placed the Sumter Congregation in a district of the Progressive Church's local congregations directly overseen by Bishop David S. Johnson, Sr. and ultimately governed by the Board of Bishops.

On December 3, 2014, Finklea formed the Plaintiff Corporation, New Life Apostolic Church, as a South Carolina Corporation, and filed articles of incorporation with the South Carolina Secretary of State, listing Finklea as the corporation's registered agent for service of process at his home address. Finklea concealed from the Progressive Church's Board of Bishops the corporate formation of New Life, and his personal role within New Life. According to the Amended Complaint, "Finklea is the pastor of NLAC, a position he has held since NLAC was established in 2014." Am. Compl. ¶ 2. New Life is not the successor in interest to the Sumter Congregation of the Progressive Church, nor is any other entity or person the successor in interest to the Sumter Congregation. Finklea has used the Sumter Property, and other personal property of the Progressive Church, for his and New Life's benefit since December 3, 2014 or before, all

while actively and deliberately concealing this information from the Progressive Church's Board of Bishops.

On numerous occasions between December 3, 2014 and late 2020, Finklea attended Progressive Church ecclesiastical meetings, worship services, and other events at various Progressive Church local congregations and elsewhere. When preaching at Progressive Church events, Finklea has been introduced as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and has never publicly disagreed with, corrected, or restated the public introduction given to him as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina. Finklea has held himself out to be both pastor of the Progressive Church's Sumter Congregation and as pastor of New Life for an undetermined time, but at least as far back as December 3, 2014

On numerous occasions between December 3, 2014 and late 2020, Finklea attended meetings of Progressive Church clergy, both in person and virtually. These meetings were planned and held exclusively for Progressive Church clergy to discuss matters pertaining to the ecclesiastical and secular governance of the Progressive Church. Finklea actively participated in these clergy meetings as a pastor and elder in the Progressive Church and frequently involved himself with ecclesiastical matters pertaining to the Progressive Church.

For over five years, Finklea did not inform the Progressive Church's Board of Bishops of the corporate existence of New Life and New Life's use of the Sumter Property as a ministry separate and distinct from the Progressive Church.

In 2019, Finklea and New Life admit to damaging and defacing, with black paint or other dark material, a sign at the Sumter Property displaying the name "Progressive Church of Our Lord Jesus Christ, Inc." (the "PC Sign"). The PC Sign was originally purchased and erected at the

Progressive Church's Headquarters in Columbia, South Columbia, and later relocated to the Sumter Property, at the expense of the Progressive Church.

On or about March 15, 2019, nearly five years after the formation of New Life, Finklea and New Life admit to installing another sign displaying "New Life Apostolic Church" (the "NLAC Sign") at the Sumter Property. Finklea and New Life did not have permission or authorization from the Progressive Church to remove the PC Sign or to replace it with the NLAC Sign. The Progressive Church's Board of Bishops did not know of the NLAC Sign when it was placed upon the Sumter Property and has never approved the NLAC Sign to be placed upon the Sumter Property. The NLAC Sign expressly violates Article I, Section II, of the Church Constitution, which states that "[a]ll [c]hurches in this [o]rganization [s]hall [b]ear the [n]ame: Progressive Church of Our Lord Jesus Christ, Inc. beginning or ending with any other name as approved by the Board of Bishops."

In early November of 2019, the Progressive Church discovered the NLAC Sign placed at the Sumter Property and on November 8, 2019, sent Finklea a letter expressing concerns after learning of allegations that Finklea was using the Sumter Property to operate New Life without the permission of the Progressive Church. The November 8, 2019, letter from the Progressive Church expressly objected to the NLAC Sign, directed Finklea to remove the NLAC Sign by November 22, 2019, and also informed Finklea that failure to adhere to the ecclesiastical directives of the Board of Bishops would result in an Ecclesiastical Trial under the Church Constitution. Further, the November 8, 2019 letter from the Progressive Church expressed concern that Finklea's actions suggested that Finklea had withdrawn from the Progressive Church and requested that Finklea immediately meet with the Board of Bishops to discuss and resolve Finklea's unauthorized actions. Finklea refused to meet with the Board of Bishops.

Finklea received the November 8, 2019, letter from the Progressive Church, but did not abide by the directives in the letter. On November 22, 2019, the Progressive Church issued to Finklea a written Notice of Ecclesiastical Trial under Article VIII, Section I, of the Church Constitution and included several "Accusations and Charges of Improper Conduct Against Elder Ricky Finklea." The November 22, 2019, letter notified Finklea that the Ecclesiastical Trial would take place on December 6, 2019, at the Progressive Church's Headquarters in Columbia, South Carolina and expressly stated that Finklea must attend.

Finklea received the November 22, 2019, letter from the Progressive Church, but he did not attend the Ecclesiastical Trial on December 6, 2019, and did not provide advance notice he would not attend. At the Ecclesiastical Trial, the Progressive Church's Board of Bishops determined that Finklea was guilty of all ecclesiastical charges against him and affirmed that both Finklea and New Life had no right to use, possess, or occupy the Progressive Church's Sumter Property.

On December 11, 2020, the Progressive Church issued a letter to Finklea informing him of a final directive and pending ecclesiastical disciplinary action and directing Finklea and New Life to vacate the Sumter Property. The Progressive Church's letter stated that New Life and Finklea had no permission or legal right to use, possess, or occupy the Sumter Property and that the Progressive Church would remove and replace the unauthorized NLAC Sign placed at the Sumter Property. Finklea and New Life refused to obey the directives of the Progressive Church's December 11, 2020 letter. Between 2019 and 2020, the Progressive Church's Board of Bishops made extensive efforts to communicate with Finklea to resolve the outstanding concerns regarding Finklea's ministry with the Progressive Church and regarding Finklea and New Life's use of the Sumter Property. Finklea refused to communicate with the Progressive Church's Board of

Bishops, and Finklea and New Life thereafter filed this action against the Progressive Church and against the individual members of the Board of Bishops.

In January 2021, the Progressive Church's Board of Bishops acknowledged Finklea's previous declaration of personal disassociation from the Progressive Church and revoked all ministerial credentials and licenses issued to Finklea to function as a member of the Progressive Church clergy according to Article VI, Section II of the Church Constitution. By Finklea's admission, and by confirmation of the Progressive Church's Board of Bishops, Finklea is no longer a parishioner or clergyman in the Progressive Church.

It is the interpretation of the Progressive Church's Board of Bishops that, according to its Church Constitution and administrative practices, if clergy and/or saints of a local congregation of the Progressive Church withdraw from the Progressive Church, title to church property used and/or occupied by the local congregation remains in the Progressive Church and does not follow the congregation, unless otherwise expressly approved by the Board of Bishops.

Finklea and New Life remain upon the Sumter Property without permission from the Progressive Church. Finklea and New Life's alleged claims to property rights arise from disputes over ecclesiastical administration, ecclesiastical doctrine and standards, customs, and the ecclesiastical governance authority of the Progressive Church.

III. STANDARD FOR SUMMARY JUDGMENT

Summary judgment is appropriate when there is no genuine issue of material fact and the moving party must prevail as a matter of law. S.C. R. Civ. P. 56(c). In determining whether any triable issues of fact exist, the court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party. *David v. McLeod Reg'l Med. Ctr.*, 367 S.C. 242, 247, 626 S.E.2d 1, 3 (2006). "[S]ummary judgment is completely

appropriate when a properly supported motion sets forth facts that remain undisputed or are contested in a deficient manner,” *Id.* at 250, 626 S.E.2d at 5, and “when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ.” *Byerly v. Connor*, 307 S.C. 441, 445, 415 S.E.2d 796, 799 (1992).

IV. LEGAL ANALYSIS AND CONCLUSIONS

A. **Plaintiffs lack standing to prosecute their First, Second, and Third Causes of Action.**

In the Amended Complaint, Plaintiff Finklea has unequivocally stated that he disassociated from the Progressive Church on July 20, 2014, when he informed the members of the Progressive Church’s Sumter Congregation that he was leaving the Progressive Church, after which over 90% of the members voted to leave with him. Am. Compl. ¶¶ 39-40. Finklea then formed a new church organization, New Life Apostolic Church, Inc., which since its inception as a “nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014,” has operated “*as a separate and distinct church that is not associated with the Progressive Church.*” Am. Compl. ¶ 43 (emphasis added). In Finklea and New Life’s March 4, 2021 filing of their Answer to Defendants’ counterclaims, Finklea and New Life unmistakably affirmed that Finklea “*is no longer a member, pastor, or elder in the Progressive Church.*” Pls.’ Answer to Defs.’ Countercl. ¶ 147 (emphasis added). It is thus clear that Finklea and all others who voted to leave the Sumter Congregation abandoned their status as saints in the Progressive Church by uniting with another church. Therefore, Finklea and all individuals who left the Progressive Church also lost all rights as saints of the Progressive Church and lack standing to pursue this action. *Bouldin v. Alexander*, 82 U.S. 131, 139 (1872) (“[W]ithdrawal from a church and uniting with another church or denomination, is a relinquishment of all rights in the church abandoned.”); *Brock v. Bennett*, 313 S.C. 513, 517-18, 443 S.E.2d 409, 411-12 (Ct. App. 1994) (holding that former church members did not have standing to sue regarding the issue of church property because “the record did not

reflect that any of them were members or officers of the church at the time of the commencement of [the] action; thus, they have no standing by reason of membership or office” in the church) (citing *Bramlett v. Young*, 229 S.C. 519, 541, 93 S.E.2d 873, 884 (1956) (quoting with approval the following proposition: “Withdrawal from a church and uniting with another church or denomination is a relinquishment of all rights in the church abandoned.” (citing *Bouldin, supra*))); *Adickes v. Adkins*, 264 S.C. 394, 215 S.E.2d 442 (1975) (affirming holding in *Bramlett, supra*); *Hardin v. Horger*, 252 S.C. 298, 304, 166 S.E.2d 215, 218 (1969) (“The appellants simply have no legal standing to complain. While some members of the seceding congregation are apparently heirs of one or more of the original grantors, they assert no right in such capacity. They appear here simply as the representatives of a seceding congregation which is no longer a part of The Methodist Church.”); *Tubiolo v. Abundant Life Church, Inc.*, 605 S.E.2d 161, 165 (N.C. Ct. App. 2004) (“As to the plaintiffs' remaining claims seeking an order allowing plaintiffs to inspect certain records of defendant [church], and seeking an order directing defendant to conduct an annual meeting, these claims are dependent upon plaintiffs being members of defendant at the time of the filing of this lawsuit.”); *Edgmond v. Brixey*, 450 S.W.2d 166, 167 (Mo. 1970) (“If plaintiffs are not members of the religious association involved which operates the church then they have no standing as plaintiffs to bring this action” to ascertain and determine title to land occupied by the church); see also *State v. Ancker*, 2 Rich. 245 (1846) (resignation from a church may be inferred from the acts of the parties).

Because Plaintiff New Life Apostolic Church, Inc. has never been associated with the Progressive Church, *a fortiori*, it lacks standing to prosecute this action.

Brock v. Bennett involved a disagreement over the physical and spiritual control of Emmanuel Baptist Church between John T. Brock, a former trustee and church member, and

Mitchell Bennett, the pastor of the congregation at the time of suit. *Brock v. Bennett*, 313 S.C. 513, 515, 443 S.E.2d 409, 410 (Ct. App. 1994). Brock was a trustee named in the deed to the church property who helped organize the church and build the church building, but he left Emanuel Baptist and joined other churches in ensuing years. *Id.*

The South Carolina Court of Appeals reversed the trial court decision awarding control of the property to Brock and also found the trial court erred by not granting a directed verdict for Bennett. *Id.* at 516, 443 S.E.2d at 411. The Court of Appeals further held that only the members of a church have standing to sue regarding “the issue of church property and the conduct of its services.” *Id.* at 517, 443 S.E.2d at 411. “Standing is a fundamental requirement for instituting an action.” *Id.* at 519, 443 S.E.2d 412–13 (citing *Blandon v. Coleman*, 285 S.C. 472, 475, 330 S.E.2d 298, 299 (1985)). “[O]nce it is determined a plaintiff has no standing to prosecute, the court must dismiss the action.” *Id.* Brock and the other authorities cited above control this case and require dismissal of Finklea and New Life’s Complaint.

B. This Court lacks subject matter jurisdiction over Plaintiffs’ First Cause of Action for declaratory judgment regarding the past and present internal governance and administration of the Progressive Church.

Finklea and New Life ask this Court to declare that Bishops Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and Bishop Paul C. Johnson are not the duly authorized members of the Progressive Church’s Board of Bishops and likewise ask this Court to declare procedures the Progressive Church must follow to select its Board of Bishops. This Court has no authority make such declarations and will not entertain Finklea and New Life’s request. With regard to church governance, “[i]t is not the function of [this Court] to dictate procedures for [the Progressive Church] to follow.” *Pearson v. Church of God*, 325 S.C. 45, 52, 478 S.E.2d 849, 853 (1996). In *Pearson*, the South Carolina Supreme Court clearly explained the extent of a civil court’s subject matter jurisdiction with respect to church controversies:

When a civil right depends upon an ecclesiastical matter, it is the civil court, and not the ecclesiastical, which is to decide. But the civil tribunal tries the civil right, and no more; ... The civil courts will not enter into the consideration of church doctrine or church discipline, nor will they inquire into the regularity of the proceedings of the church judicatories having cognizance of such matters. To assume such jurisdiction would not only be an attempt by the civil courts to deal with matters of which they have no special knowledge, but it would be inconsistent with complete religious liberty, untrammelled by state authority. On this principle, the action of church authorities in the deposition of pastors and the expulsion of members is final. Where, however, a church controversy necessarily involves rights growing out of a contract recognized by the civil law, or the right to the possession of property, civil tribunals cannot avoid adjudicating these rights, under the law of the land; having in view, nevertheless, the implied obligations imputed to those parties to the controversy who have voluntarily submitted themselves to the authority of the church by connecting themselves with it.

Pearson v. Church of God, 325 S.C. 45, 51–52, 478 S.E.2d 849, 852–53 (1996) (citing *Morris Street Baptist Church v. Dart*, 67 S.C. 338, 45 S.E. 753 (1903)). United States Supreme Court and South Carolina Supreme Court cases have established the rule that South Carolina civil courts must follow when adjudicating church disputes. This rule dictates that

(1) [c]ourts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration; (2) courts cannot avoid adjudicating rights growing out of civil law; (3) in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church, 421 S.C. 211, 216, 806 S.E.2d 82, 84-85 (2017) (citing *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996) (emphasis added)). The South Carolina Supreme Court has further held that, in terms of polity and structural governance, churches “are generally divided into two groups: (1) congregational churches and (2) hierarchical churches.” *Seldon v. Singletary*, 284 S.C. 148, 149, 326 S.E.2d 147, 148 (1985). A hierarchical church is defined as:

“one organized as a body with other churches having similar faith and doctrine with a common ruling convocation or ecclesiastical head. Under the [hierarchical church], a local church is but a member of a larger and more important religious

organization and is under its government and control, and the voluntary act of joining the general denominational organization subjects the local church to its rules and regulations.”

Id.

American Jurisprudence, which the South Carolina Supreme Court cites in *Singletary*, also states that in the “hierarchical type of church polity, local churches are an organic part of the organization but are connected with and subordinate to the laws, procedures, and organs established by the constitution and bylaws of the general church.” 66 Am. Jur. 2d Religious Societies § 3 (2020).

From a review of the whole of the evidence, there can be no serious question that since its beginning the Progressive Church has operated under a system of hierarchical polity, has generally observed an annual ruling holy convocation since its founding, and has functioned as an organized body of churches that operate by the same faith, doctrine and administration. P. Johnson Aff. ¶ 10. The Church Constitution clearly confirms that the ecclesiastical head of the Progressive Church is its Board of Bishops. P. Johnson Aff. ¶ 9, 10, 13; Am. Compl. ¶ 13. Therefore, any interpretations regarding the doctrine, administration, governance, and operating procedures under the Church Constitution are to be determined by the Progressive Church’s Board of Bishops, and not this Court, and such determinations of the Board of Bishops are binding upon this Court. The First and Fourteenth Amendments to the United States Constitution “forbid” this Court from substituting its interpretation of the Church Constitution for that of the Progressive Church’s Board of Bishops. *Serbian E. Orthodox Diocese for U. S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 709, 721 (1976) (holding that a civil court is forbidden from substituting its interpretations of a church constitution “for that of the highest ecclesiastical tribunals in which church law vests authority to make that interpretation” and that “where resolution of the disputes cannot be made

without extensive inquiry by civil courts into religious law and polity, the First and Fourteenth Amendments mandate that civil courts shall not disturb the decisions of the highest ecclesiastical tribunal within a church of hierarchical polity, but must accept such decisions as binding on them”).

Based on the aforementioned binding United States Supreme Court and South Carolina Supreme Court precedent, this Court lacks subject matter jurisdiction over Plaintiffs’ claims for declaratory judgment pertaining to ecclesiastical appointments, removals, administration, and operation of the Progressive Church. This lack of subject matter jurisdiction extends to the governance of the Sumter Congregation by Defendant Progressive Church and over ecclesiastical governance decisions and appointments made by and pertaining to Individual Defendants Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr. and Bishop Paul C. Johnson in their capacity as members of the Progressive Church’s Board of Bishops. Accordingly, this Court will not permit Finklea and New Life to force their interpretation of the Church Constitution and their church governance preferences upon the Progressive Church by means of this lawsuit. For the foregoing reasons, this Court finds that it does not have subject matter jurisdiction over Finklea and New Life’s claims for declaratory judgment regarding the past, present, and future governance and administration of the Progressive Church by the Board of Bishops.

C. The Plaintiffs fail to state a claim for their Third Cause of Action for reformation of the Deeds for the Sumter Property because they are not parties to the Deeds.

Reformation of a contract or deed is a remedy by which writings are rectified to conform to the actual agreement of the parties. *Crewe v. Blackmon*, 289 S.C. 229, 234, 345 S.E.2d 754, 757 (Ct. App. 1986). Reformation of a contract or deed is not a repudiation of the instrument; the court cannot create a new agreement for the parties or add terms to the parties' agreement. 76

C.J.S. Reformation of Instruments § 3. A court of equity may, however, conform the agreement to the actual intent of the parties. An action for reformation is similar to, but distinct from, an action for rescission of a contract. An action to reform an instrument sounds in equity. *Crewe v. Blackmon*, 289 S.C. at 233, 345 S.E.2d at 756. See also Randolph R. Lowell, *et al.*, South Carolina Equity: A Practitioner's Guide 122 (2010).

A claim for reformation is subject to proof of the essential elements by clear and convincing evidence. 66 Am. Jur. 2d Reformation of Instruments § 1. "The remedy of reformation is an extraordinary remedy that applies in limited circumstances, as the court must, in the exercise of its power to reform a contract, act with utmost or great caution, hesitating to do so and carefully considering the unique equities of each situation." *Id.*

A party seeking reformation must ordinarily have been a party to the instrument for which reformation is sought. *George v. Empire Fire; Marine Ins. Co.*, 336 S.C. 206, 212, 519 S.E.2d 107, 110 (Ct. App. 1999), *rev'd on other grounds*, 344 S.C. 582, 545 S.E.2d 500 (2001). Regarding a deed, only the grantor, grantee, or the mortgagee may ordinarily sue for reformation. Lowell, *et al.*, *supra*, p. 123.

The reformation of a written instrument to conform it to the parties' mutually intended antecedent agreement, correcting material variances attributable to the parties' mutual mistake of fact or law, or the fraudulent or inequitable conduct of one party, will be allowed as against the original parties and against those claiming under them in privity. *Otherwise, reformation will not lie against a nonparty.*

66 Am. Jur. 2d Reformation of Instruments § 58 (emphasis added).

Finklea and New Life are not parties to any of the three deeds regarding the Sumter Property. There is no genuine issue of material fact that the Progressive Church purchased the Sumter Property with its own funds and took title to the Sumter Property in its corporate name.

The sellers⁴ of the Sumter Property are not parties to this action. Finklea and NLAC have no mortgage or other lien rights to the Sumter Property. Thus, Finklea and NLAC are not parties to the deeds nor in privity with any of the parties to the deeds, and they may not reform the deeds.

Even though the Progressive Church holds record, legal title to the Sumter Property, Finklea and New Life falsely claim that New Life is the “successor in interest” of the Sumter Congregation of the Progressive Church and thus has “rightful possession of the Property and cannot be evicted or otherwise removed from the Property.” Am. Compl. ¶ 62. Even if Finklea and New Life were the “successor in interest” they claim to be, that does not establish privity with the parties to the deeds to the Sumter Property. There is no ambiguity as to the grantees named in the deeds, and none of the deeds purports to establish any “trust” regarding the Property, except the “clarifying” deed filed in 2019 by the Progressive Church, long after Finklea had formally disassociated from the Progressive Church. And the 2019 deed unequivocally establishes a trust to the benefit of the Progressive Church, *not Finklea or NLAC*.

Finklea and New Life have no basis whatsoever to claim “NLAC is now the owner of the Property” or that “[i]f a local congregation disassociates, the property used by the congregations goes with the congregation.” Such unfounded claims stand in stark contrast to well settled South Carolina law and the decision of the Progressive Church’s Board of Bishops. Finklea and New Life furthermore have no lease or other written agreement which gives them any rights to occupy the Sumter Property. Essentially, Finklea and New Life have no basis to claim “rightful possession of the Property” or that “they cannot be evicted or otherwise removed from the Property.”

⁴ The Harrelson Land Company, is the grantor in the 1998 Deed, and Dorothy Z. Neal and Hettie M. McFadden, are the grantors in the 2005 Deed.

Finklea and New Life argue that the Progressive Church's deeds to the Sumter Property should be reformed to reflect the "actual intent of the parties." Plaintiffs' Brief at 15. Finklea and New Life also argue that they were "party to the acquisition of the Property." *Id.* However, Finklea and New Life's contentions are without any evidentiary support.

A deed is analyzed like any other contract. Unless there is ambiguity in the document, then the Court does not resort to extrinsic evidence to determine the intent behind the grantor or grantee. *See Williams v. Tamsberg*, 425 S.C. 249, 259, 821 S.E.2d 494, 500 (Ct. App. 2018) ("when interpreting a deed, the primary rule of constructing the deed is to ascertain and effectuate the parties' intentions, unless that intention contravenes some well-settled rule of law or public policy." (internal citations omitted)); *see also Gardner v. Mozingo*, 293 S.C. 23, 25, 358 S.E.2d 390, 392 (1987) ("The intention of the grantor must be found within the four corners of the deed." (internal citation omitted)).

Here, there is nothing whatsoever ambiguous about the deeds. As such, the Court must not consider any extrinsic evidence. The *only* grantee named in the deeds to the Sumter Property is the Progressive Church. The Sumter Property was purchased *by* the Progressive Church *for* the Progressive Church using funds provided exclusively by the Progressive Church. Finklea and New Life were not present during the transactions conveying title to the Progressive Church; they are complete strangers to those transactions. Finklea and New Life have no authority to speak as to the intent of the grantor and grantee in these transactions. Nothing in the deeds state the Plaintiffs New Life Apostolic Church, Inc. or Ricky Finklea may use the Sumter Property or that they somehow own any interest in it.

Even if the deeds were ambiguous, the only extrinsic evidence supports Defendants' claim of sole ownership of the Sumter Property. Bishop David S. Johnson, Sr. participated in the actual

closing for the purchase transactions in 1998 and 2005 and is the only living individual who was present on behalf of the Progressive Church at those transactions. His sworn affidavit testimony confirms the Progressive Church's intent to purchase the Sumter Property "for use by the Sumter Congregation [of the Progressive Church] *for furtherance of the secular and ecclesiastical ministry of the Progressive Church.*" D. Johnson Aff. ¶¶ 9-11, 17-18 (emphasis added).

The Sumter Property was not purchased for New Life but for a congregation *of the Progressive Church to further the secular and ecclesiastical ministry of the Progressive Church.* Plaintiffs' allegation that the Sumter Property was intended for their use as a breakaway congregation is unsupported in fact and law and is patently false.

Finklea and New Life are not record owners of the Sumter Property, and they have now disavowed the secular and ecclesiastical ministry of the Progressive Church. Yet they argue that they have somehow obtained ownership interest in the Sumter Property simply by occupying it. As trespassers, Finklea and New Life have no right to occupy the Sumter Property and may be lawfully evicted by the Progressive Church.

Finklea and New Life are not third-party beneficiaries of the purchase transactions for the Sumter Property. New Life did not exist at the time the deeds were executed, and Finklea was not a representative of the Progressive Church in either of the transactions. Assuming that a third-party beneficiary may maintain an action for reformation of the subject deeds, Finklea and New Life are not third-party beneficiaries of nor mentioned anywhere in the deeds they seek to reform, and they cannot and do not even try to demonstrate how they could be. Finklea and New Life offer no evidence of their third-party beneficiary status and merely suggest a speculative conclusion this Court could reach "if" Plaintiff New Life is a third-party beneficiary. Plaintiffs have the burden of proving their claims of third party beneficiary status and they have failed to do

so. As complete strangers to the transactions in question, there is no way Finklea and New Life could be third-party beneficiaries to those transactions. Finklea and New Life's speculative conclusions and piling of one inference upon another are insufficient to create a genuine issue of material fact. *Harleysville Mut. Ins. Co. v. Packer*, 60 F.3d 1116, 1120.

The record here also reflects that Finklea and New Life are not successors in interest to the Sumter Congregation of the *Progressive Church*. Finklea and New Life repeatedly attempt to equate themselves with the "Sumter Congregation" to portray themselves as the intended beneficiaries of the deeds. Brief at 16. However, this Court finds it important to distinguish that Finklea and New Life represent the Sumter Congregation of the *New Life Apostolic Church, Inc.* rather than the Sumter Congregation of the *Progressive Church of Our Lord Jesus Christ, Inc.* Through this claim for reformation of deeds, Finklea and New Life ask this Court to ignore binding South Carolina case law that "[w]hen [an] entire congregation withdraws from [a] hierarchical church, the title to the church property remains in the church and does not follow the congregation." *Fire Baptized Holiness Church of God of Americas v. Greater Fuller Tabernacle Fire Baptized Holiness Church*, 323 S.C. 418, 420, 422, 475 S.E.2d 767, 778, 770 (Ct. App. 1996) (emphasis added). As the U.S. Supreme Court held, "withdrawal from a church and uniting with another church or denomination, is a relinquishment of all rights in the church abandoned." *Bouldin v. Alexander*, 82 U.S. 131, 139 (1872). It would create an absurd result if parishioners who withdraw from a church nevertheless maintain the right to own or occupy their former church's property for use by the new church to which they have united. *See Bramlett* 229 S.C. at 540, 93 S.E.2d at 884 ("The principle seems to be firmly established that a congregation belonging to a religious denomination and subject to the constitution, faith, and doctrines thereof cannot use its property for a purpose other than that sanctioned by the denomination.")

Finklea and NLAC also suggest that “[i]n putting the address of the Sumter Congregation on the deed, the clear intent of the parties was to convey the property to the Sumter Congregation.” Brief at 5. Plaintiffs’ argument overlooks the well-known fact that a South Carolina corporation may operate from many different locations, as does the Progressive Church in several states and cities. And individual grantees may use a P.O. Box or move to a different address after they have accepted a deed to real property. The purpose of placing a grantee’s address on a deed is for the benefit of the county tax assessor and collector in providing notice to the owner, not for ascertaining the owner’s identity. The address listed on any deed, and in particular the deeds here, in no way creates any ambiguity as to the intended grantee: “Progressive Church of Our Lord Jesus Christ, Inc.”

In an effort to support their claims of ownership of the Sumter Property, Finklea and New Life make frequent reference to a 2010 order by South Carolina Master in Equity, S. Brian Doby,⁵ regarding a property matter in Bishopville, South Carolina. However, Judge Doby’s order involved different litigants, a completely different property, and a completely different deed; and since that time, an April 1, 2021 federal court ruling⁶ involving similar allegations against the Progressive Church and its Board of Bishops found that the Progressive Church has taken legal and proper action to resolve any outstanding issues from Judge Doby’s 2010 order, thereby

⁵ *Progressive Church of Our Lord Jesus Christ, Inc. v. Black, et al.*, Case No. 28-CP-31-0022.

⁶ Of note, on April 1, 2021, the Honorable Joseph F. Anderson, Jr. issued an order which grants judgment in favor of Defendant Progressive Church of Our Lord Jesus Christ, Inc. in a similar case formerly pending in the United States District Court, District of South Carolina, Columbia Division, C/A No. 3:19-cv-03541-JFA. That order was confirmed on June 14, 2021 when Judge Anderson denied a motion to reconsider the April 1, 2021 order. This Court agrees with Judge Anderson’s 2021 ruling that the Progressive Church is governed in all spiritual and secular matters by the collective governance authority of the Board of Bishops, and that the current Bishops (Individual Defendants here) are duly and properly appointed to the Board of Bishops.

eliminating any doubts caused by the order. This court agrees and further finds that Judge Doby's 2010 order has no relevance to this action.

Based on the facts presented to the Court, it was, and always has been, the Progressive Church's intention to continue a Sumter Congregation of its own at the Sumter Property. The Sumter Property was intended to be used by those who adhere to the Progressive Church's ecclesiastical doctrine and governance. The Sumter Congregation of the Progressive Church will still exist as the Progressive Church has plans to continue ministry at the Sumter Property, albeit with different ministerial leadership in the wake of Finklea's departure from the Progressive Church.⁷

Plaintiffs also argue the Progressive Church's September 2019 (the "2019 Sumter Deed") deed "purportedly conveyed the Property to be held in trust for the Progressive Church in Columbia" and thus demonstrates that the Progressive Church did not own the property prior to that deed. Plaintiffs' Brief at 16. However, Plaintiffs fail to recognize that the deed in question does not change title ownership of the Sumter Property, but the record reflects that it was filed to provide *additional* record notice to any potential and unwary third-party purchasers or mortgagees for value that they must obtain the Progressive Church Board of Bishops' written consent to acquire any title or lien interest in the Sumter Property. The record also reflects that similar deeds were filed for other Progressive Church properties in direct response to the 2019 unlawful attempt by Elder Timothy Beard in the Progressive Church's Tallahassee, Florida Congregation to take the

⁷ "Acting as part of the leadership of the Progressive Church, and as the person who established the Sumter Congregation under the hierarchical authority of the Progressive Church, I unequivocally state that NLAC is not the successor in interest to the Sumter Congregation that I established and for whose use the Progressive Church purchased real property in Sumter, South Carolina. No successor in interest exists to the Sumter Congregation and the Sumter Congregation remains a part of the Progressive Church." D. Johnson Aff. ¶ 25.

Progressive Church's Tallahassee property⁸ by an unauthorized deed and the 2014 actions of a former pastor in the Progressive Church's Cheraw, South Carolina Congregation who was indicted and convicted on federal criminal charges relating to a \$300,000 mortgage fraudulently obtained and secured by the Progressive Church's Cheraw property.⁹

The 2019 Sumter Deed regarding the Sumter Property did not state anything new or create any new rights, and the grantor and grantee *are one in the same* – the Progressive Church of Our Lord Jesus Christ, Inc. The 2019 Sumter Deed merely restated existing rights and clearly declared what was already true: that the Progressive Church is record owner of the Sumter Property and the Sumter Property may not be transferred or encumbered without written consent of the Progressive Church's Board of Bishops.¹⁰ The 2019 Sumter Deed is proof of the Progressive Church's ownership of the Sumter Property rather than evidence to the contrary.

Finklea and New Life argue that the Court must apply neutral principles of law to adjudicate the present property dispute. Plaintiffs' Brief at 12. Defendants indicate they agree with Plaintiff's argument here, and the Court agrees as well. As the Supreme Court of South Carolina has stated,

[p]roperly applied, the "neutral principles" approach requires that the civil court's initial inquiry be a "holistic" one. The court must first determine whether the

⁸ This unlawful attempt to transfer ownership of the Progressive Church's property was the underlying act addressed in Judge Anderson's April 1, 2021 ruling referenced in footnote 6.

⁹ Judgment in Criminal Case. *United States of America vs. Stephen Tracy Anderson*, Case Number: 4:15cr00727-BHH-1; USM Number: 28715-171.

¹⁰ This type of preemptive tactic is specifically sanctioned under U.S. Supreme Court precedent. "At any time before the dispute erupts, the parties can ensure, if they so desire, that the faction loyal to the hierarchical church will retain the church property. They can modify the deeds or the corporate charter to include a right of reversion or trust in favor of the general church. . . . And the civil courts will be bound to give effect to the result indicated by the parties, provided it is embodied in some legally cognizable form." *Jones v. Wolf*, 443 U.S. 595, 606 (1979).

property/corporate dispute will require the court to decide issues of religious law, principle, doctrine, discipline, custom, or administration—in other words, is the property/corporate dispute actually ecclesiastical in nature. If the dispute is “a question of religious law or doctrine masquerading as a dispute over church property or corporate control,” then the Constitution of the United States requires the civil court defer to the decision of the appropriate ecclesiastical authority.

Protestant Episcopal Church in the Diocese of S.C., 421 S.C. at 220, 806 S.E.2d at 87 (internal citations omitted). Applying a holistic “neutral principles” inquiry, the dispute in question is not one of religious law or doctrine but rather is a dispute over church property.

With that in view, there is no dispute that Finklea and New Life do not have record title to the Sumter Property, nor do they have any sort of written agreement, such as a lease, that allows them to occupy property that, as a matter of law, belongs to another entity (the Progressive Church). Unless title is defective or there has been some unknown conveyance of the Sumter Property (neither of which has been argued nor proven), then the Progressive Church has sole record ownership and control over the Sumter Property under neutral principles of law. Accordingly, the Progressive Church has full legal rights to possess the Sumter Property and to exclude others, including Finklea and NLAC.

This conclusion is supported by binding South Carolina precedent adjudicating property rights when a local congregation, or a portion thereof, leaves a church and associates with another church.

“When a division occurs in a church congregation . . . the question as to which faction is entitled to the church property is answered by determining which of the factions is the representative and successor to the church as it existed prior to the division or schism, and that is determined by which of the two factions adhere to or is sanctioned by the appropriate governing body of the denomination. It is a question of identity.”

Adickes v. Adkins, 264 S.C. 394, 401, 215 S.E.2d 442, 444 (1975).

The essential facts of *Adickes*, and the legal conclusions that must follow those facts, are the same as in this case. Plaintiff Finklea, and the individuals he purports to lead and represent, “voluntarily severed their connection” with the Progressive Church “and when they did they forfeited any right to the use and possession of the property of that church under the long established law of the church and of South Carolina.” *Id.* at 402, 215 S.E.2d at 445. Applying the South Carolina Supreme Court’s analysis in *Adickes* to this case, by joining Plaintiff NLAC, Finklea and his followers “did not acquire such an interest in the [Sumter P]roperty that they are entitled to take with them upon seceding. The [Sumter P]roperty belonged to the [Progressive Church] before the members joined the [Progressive C]hurch, and it belongs to the [Progressive Church] after [Finklea and his followers] have withdrawn. They simply are not now a part of [the Progressive Church].” *Id.*

Alternatively, even if Finklea and NLAC’s causes of action are doctrinal or ecclesiastical issues “masquerading” as a property dispute, this Court reaches the same ultimate conclusion. *Protestant Episcopal Church in the Diocese of S.C.*, 421 S.C. at 226, 806 S.E.2d at 90 (holding that when the “trigger” for local congregations to challenge a hierarchical church over property ownership rested upon matters of doctrine and church disciplinary matters, the local congregations’ challenge to property ownership were truly a masquerade for its doctrinal issues and finding that a court, upon identifying such a “masquerade,” *must* defer to the National Church’s ecclesiastical decisions regarding the church property used by the local congregation) (emphasis added).

Here, Finklea and NLAC admit that the “trigger” for their actions to withdraw from the Progressive Church and to seek to control and possess the Sumter Property against the Progressive Church’s authority stem from ecclesiastical and doctrinal issues related to doctrinal standards of

the Progressive Church and the use and administration of Progressive Church funds, all of which are similar issues the South Carolina Supreme Court described as issues “masquerading” as a property dispute in the *Protestant Episcopal Church*. See Am. Compl. ¶¶ 37-40. Accordingly, even if the above issues are truly ecclesiastical issues, this Court *must* defer to the decision of the Progressive Church’s Board of Bishops regarding the Sumter Property: that Finklea and New Life have no right to use or possess the Sumter Property and therefore must vacate the Property. See D. Johnson Aff. ¶ 25; see also P. Johnson Aff. ¶¶ 46-48.

Defendants’ Motion for Partial Summary Judgment and un-contradicted supporting affidavits are all that is required to fully and finally adjudicate the issue of record title ownership, including the right to possess, control, or exclude others from the Sumter Property, namely Finklea and NLAC. Accordingly, this Court grants Defendants’ Motion for Partial Summary Judgment as to the Plaintiffs claim for reformation of the Deeds for the Sumter Property.

D. Defendants are entitled to judgment on their First Counterclaim for declaratory relief confirming their rights to the Sumter Property.

The South Carolina Uniform Declaratory Judgments Act provides that

[a]ny person interested under a deed, will, written contract or other writings constituting a contract or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

S.C. Code Ann. § 15-53-30 (emphasis added).

In their response to Defendants’ Motion, Finklea and New Life argue that “all of the material facts asserted by Defendants in their Counterclaims are disputed, triable issues of fact.” Plaintiffs’ Brief at 18. However, Plaintiffs’ claim is inaccurate for two main reasons.

First, Finklea and NLAC’s mere disagreement with Defendants’ conclusions does not create a *genuine* dispute regarding *material* facts. Finklea and New Life have not supported their

assertions with actual evidence but rather rely upon their mere belief that they are in the right in an attempt to persuade this Court to side with their position. However, mere disagreement does not create a genuine dispute of fact under the law. A trespasser's mere occupancy of property does not create a *genuine* dispute as to the identity of the record owner.

Second, Finklea and New Life cannot contest and have not contested the *material* facts recited in Defendants' motion, memoranda, and supporting affidavits regarding the Progressive Church's record legal title to the Sumter Property and the circumstances of those Deeds and transactions. These are the uncontested facts upon which partial summary judgment is granted in favor of Defendants.

Based on the admissions in the pleadings and the undisputed evidence in Defendants' affidavits filed with this Court, there is no genuine issue of material fact that the Defendants are entitled to summary judgment on their First Counterclaim for declaratory relief confirming that the Progressive Church of Our Lord Jesus Christ, Inc. is the sole and exclusive owner of the Sumter Property.

E. Plaintiffs are trespassers on the Progressive Church's Sumter Property, and Defendants are entitled to the relief sought in their Second Counterclaim.

"A trespass is any interference with 'one's right to the exclusive, peaceable possession of his property.'" *Babb v. Lee Cty. Landfill SC, LLC*, 405 S.C. 129, 139, 747 S.E.2d 468, 473 (2013); "[T]respass is any intentional invasion of the plaintiff's interest in the exclusive possession of his property." *Ravan v. Greenville Cty.*, 315 S.C. 447, 464, 434 S.E.2d 296, 306 (Ct. App. 1993).

In their pleadings, the Finklea and New Life admit that they currently occupy the Sumter Property to the exclusion of the Progressive Church, and have sued to confirm their specious claims of ownership of the Sumter Property. Finklea and New Life have presented no evidence of title ownership, much less any legal right to use or occupy the Property. The indisputable conclusion

is that from December 2014 until approximately November 2019, when the Progressive Church discovered the corporate existence of New Life and its sign at the Sumter Property, Finklea and New Life have been deceptive squatters on the Sumter Property. Finklea and New Life did not create or allow any outward indication at the Sumter Property that they were not associated with the Progressive Church until March 2019 when Plaintiffs, by their own admission, installed a sign at the Sumter Property for New Life. Pls.' Answer to Defs.' Countercl. ¶ 126. It was only in November 2019, that the Progressive Church discovered the sign for New Life at the Sumter Property and promptly confronted Finklea regarding the unauthorized sign. The conclusion to be drawn from these indisputable facts, is that for over six (6) years, Finklea and New Life have unlawfully occupied the Progressive Church's Sumter Property.

Finklea and New Life's evidence supporting some right to the Property, whatever it may be, of private conversations with the now deceased Bishop Edward Smith and the now deceased Bishop Joseph D. Williams, Jr., is inadmissible, under South Carolina's Dead Man's statute. S.C. Code Ann. § 19-11-20. And even if such conversations did take place with these now deceased bishops, such conversations mean nothing, because only the Progressive Church's Board of Bishops, acting collectively, has authority under Article III, Section II of the Church Constitution to grant rights to use or occupy the Sumter Property. Finklea and New Life furthermore have no lease or other written agreement which gives them any rights to occupy the Sumter Property, as is required by the South Carolina Statute of Frauds to establish any such rights. S.C. Code Ann. § 32-3-10(4). In short, Finklea and New Life have no basis whatsoever to claim "rightful possession of the Property" or that "they cannot be evicted or otherwise removed from the Property."

There is no genuine issue of material fact that Finklea and New Life have since 2014 and continuing to the present day, intentionally interfered with the Progressive Church's rights to the

exclusive, peaceable possession of the Sumter Property, and have committed trespass. Accordingly, this Court orders the Plaintiffs to immediately vacate the Sumter Property.

F. Plaintiffs fail to state a claim for quantum meruit in their Fourth Cause of Action because the Defendants owe them no duties of disclosure, or otherwise, and they state no other claim that will allow recovery for unjust enrichment.

In their Fourth and “alternative” cause of action, Finklea and NLAC claim that “if the Progressive Church is deemed to be the owner of the Property,” then “the Progressive Church would receive a significant financial and operational benefit as a result of the Property maintenance and improvements made by Plaintiffs since July of 2014,” the retention of which would be unjust. Am. Compl. ¶¶ 83-84. Even if Finklea and NLAC improved the Property since July of 2014, Plaintiffs fail to state a claim because quantum meruit is only a measure of recovery, not a separate basis for a recovery, and Defendants owe the Plaintiffs no duties, the breach of which would support any recovery based on equitable principles.

“[O]ur Supreme Court ‘has recognized quantum meruit as an equitable doctrine to allow recovery for unjust enrichment.’” *Pitts v. Jackson Nat. Life Ins. Co.*, 352 S.C. 319, 339, 574 S.E.2d 502, 512 (Ct. App. 2002) quoting *Columbia Wholesale Co. v. Scudder May N.V.*, 312 S.C. 259, 261, 440 S.E.2d 129, 130 (1994). “Absent an express contract, recovery under quantum meruit is based on quasi-contract, the elements of which are: (1) a benefit conferred upon the defendant by the plaintiff; (2) realization of that benefit by the defendant; and (3) retention by the defendant of the benefit under conditions that make it unjust for him to retain it without paying its value.” *Pitts*, 352 S.C. at 339, 574 S.E.2d at 512. Our Supreme Court recently emphasized and adopted this Scudder May test as the “sole test for a quantum meruit/quasi-contract/implied by law claim.” *Id.* (quoting *Myrtle Beach Hosp., Inc. v. City of Myrtle Beach*, 341 S.C. 1, 9, 532 S.E.2d 868, 872 (2000)).

““In a law action, the measure of damages is determined by the parties' agreement, while in equity, ‘the measure of the recovery is the extent of the duty or obligation imposed by law, and is expressed by the amount which the court considers the defendant has been unjustly enriched at the expense of the plaintiff.’” *Id.* (quoting *Myrtle Beach Hosp., Inc.*, 341 S.C. at 8, 532 S.E.2d at 872 (quoting *United States Rubber Prods., Inc. v. Town of Batesburg*, 183 S.C. 49, 55, 190 S.E. 120, 126 (1937)). “[Q]uantum meruit, quasi-contract, and implied by law contract are equivalent terms for an equitable remedy.” *Id.*

In *Pitts*, *supra*, the Court of Appeals reviewed a plaintiff’s tort and other claims, along with a claim for unjust enrichment, alleging that an insurer and its agent had a duty “to inform an applicant of the availability of an allegedly superior product, or to evaluate the applicant's eligibility for that product, regardless of what product the applicant asked for.” *Pitts v. Jackson Nat. Life Ins. Co.*, 352 S.C. 319, 338, 574 S.E.2d 502, 511–12 (Ct. App. 2002). The Court of Appeals held that such a duty does not exist and upheld the trial court’s order holding “the absence of [a] legal duty would be equally fatal to Plaintiffs' fraudulent concealment claim and to the unjust enrichment claim . . . which was also premised on the existence of such a duty.” The *Pitts* court further found that the plaintiff “*failed to establish any duty to disclose or other cause of action that would allow recovery for unjust enrichment.* There was no benefit conferred upon [the insurer] that would be unjust for [the insurer] to retain. There was no breach of fiduciary duty or fraud involved.” *Pitts v. Jackson Nat. Life Ins. Co.*, 352 S.C. 319, 339–40, 574 S.E.2d 502, 512 (Ct. App. 2002) (emphasis added).

As pastor of the Progressive Church’s Sumter Congregation, Finklea unquestionably owed fiduciary duties to the Progressive Church, but the Defendants owed no such duties to Finklea, and he does not and cannot allege the breach of any fiduciary duties owed by the Defendants *to him*.

Finklea is now disassociated from the Progressive Church, and has no contractual or other relationship with any Defendants. NLAC has had no relationship whatsoever with the Progressive Church. Neither Finklea nor NLAC has a lease or rental agreement for the Property, or any other contractual relationship with the Defendants. For this reason, Finklea and NLAC cannot allege the breach of any duties arising out of contract, or otherwise, owed to them by the Defendants.

It cannot be disputed that Finklea knows or should know that neither he nor New Life were parties to the original purchase transactions for the Property, and that neither Plaintiff is named on the deeds to the Property. It cannot be disputed that Finklea knew in 2014, when he led a meeting in which 90% of the congregants of the Sumter Congregation followed him in disassociating from the Progressive Church, that he was ending his relationship with the Progressive Church. As the organizing officer of New Life, Finklea's knowledge is imputed to New Life. Therefore, Finklea and new Life cannot reasonably dispute they have been willing trespassers on the Progressive Church's property since July of 2014, and they thus cannot allege or establish any breach of any contractual relationship or duties of disclosure regarding the status or the particulars of the Property ownership owed to them by the Defendants.

Chase Home Fin., LLC v. Risher, 405 S.C. 202, 212, 746 S.E.2d 471, 477 (Ct. App. 2013), involved a mortgagee's attempt to foreclose a delinquent mortgage on property owned by a deceased mortgagor and his widow as tenants in common. The deceased husband signed the note and mortgage, but the widow did not, and thus the mortgagee's lien attached only to the deceased husband's undivided half interest in the property, even though the mortgage "amount greatly exceed[ed] the value of that interest." *Id.* The evidence also showed that "[mortgagee] was or should have been aware that [widow] was named on the contract with husband as a purchaser and did not sign either the note or the mortgage." *Id.* The mortgagee claimed the widow would be

unjustly enriched if it could not assert an equitable lien on the widow's undivided one-half interest in the property.

In upholding the master's dismissal of the mortgagee's claims for equitable lien and unjust enrichment, the Court of Appeals stated:

We hold [mortgagee] has not shown circumstances that would make it inequitable for [widow] to retain any benefits that she received from [mortgagee]. There was no evidence that [widow] failed to disclose any information or discharge any legal obligation that would have prevented [mortgagee] from authorizing a loan to [husband] that was secured only by his undivided one-half interest but was in an amount greatly exceeding the value of that interest. To the contrary, the evidence shows [mortgagee] was or should have been aware that [widow] was named on the contract with [husband] as a purchaser and did not sign either the note or the mortgage. See *Pitts v. Jackson Nat'l Life Ins. Co.*, 352 S.C. 319, 339, 574 S.E.2d 502, 512 (Ct.App.2002) (stating the plaintiff "failed to establish any duty to disclose or other cause of action that would allow recovery for unjust enrichment").

Chase Home Fin., LLC v. Risher, 405 S.C. 202, 212, 746 S.E.2d 471, 477 (Ct. App. 2013)

Like the plaintiff mortgagee in *Risher*, Finklea and New Life here have failed to demonstrate circumstances that would make it inequitable for the Progressive Church to retain any alleged benefits due to Plaintiffs' alleged improvements and maintenance on the Property since July 2014. Plaintiffs knew or should have known they did not in 2014 and never have had any claim to title ownership of the Property. Finklea and New Life knew then and now that they have no lease or other legal right to possess or improve the Property. If Plaintiffs did improve and maintain the property, they did so knowingly and while continuing to enjoy the possession and use of the Progressive Church's Property and paid nothing for the privilege.

It is a cardinal maxim of equity jurisprudence that "Plaintiffs who come into Court invoking the aid of equity should be required to do equity in order that justice might be done between the parties." *Archambault v. Sprouse*, 218 S.C. 500, 509, 63 S.E.2d 459, 463 (1951) ("[O]ne who openly defies known rights, in the absence of anything to mislead him or to indicate

assent or abandonment of intent to oppose on the part of others” is not entitled to equitable defense of laches.). The allegation that knowing and willful trespassers are entitled to payment from the owner for allegedly repairing and maintaining the owner’s property has no basis in equity or in law. Finklea and New Life are not entitled to equitable relief of quantum meruit.

Finklea and New Life alternatively argue that they need not prove the existence of a duty owed by Defendants to Plaintiff in order to recover under theories of quantum meruit and unjust enrichment. Plaintiffs essentially argue that they, as trespassers, nevertheless have ownership rights in the property because they squatted on it and improved it. This argument is not supported under South Carolina law.

First, as established by *Pitts v. Jackson Nat’l Life Ins. Co.*, 352 S.C. 319, 339, 574 S.E.2d 502, 512 (Ct. App. 2002) and *Chase Home Fin., LLC v. Risher*, 405 S.C. 202, 212, 746 S.E.2d 471, 477 (Ct. App. 2013), there must be some breach of a duty or other legal obligation owed to another to support claims for quantum meruit and unjust enrichment. *Pitts*, 352 S.C. at 339, 574 S.E.2d at 512 (stating the plaintiff “*failed to establish any duty to disclose or other cause of action that would allow recovery for unjust enrichment*”) (emphasis added); *see also Risher*, 405 S.C. at 212, 746 S.E.2d at 477 (“There was *no evidence that [widow] failed to disclose any information or discharge any legal obligation* that would have prevented [mortgagee] from authorizing a loan to [husband] that was secured only by his undivided one-half interest but was in an amount greatly exceeding the value of that interest.”) (emphasis added). This is a foundational inquiry that Finklea and New Life have failed to satisfy.

Secondly, if a trespasser improves a piece of property, the property owner does not owe the trespasser any duties or compensation. The trespasser improves the property at its own risk, as was the case here. As the Supreme Court has held, “a trespasser . . . is not entitled to

compensation for improvements.” *Cayce Land Co. v. Guignard*, 135 S.C. 446, 134 S.E. 1, 33 (1926); *Shumaker v. Shumaker*, 234 S.C. 421, 427, 108 S.E.2d 682, 686 (1959) (denying claim for contribution from co-tenants for property improvements).

In *Cayce Land Co. v. Guignard*, 135 S.C. at 446, 134 S.E. at 14, defendant Guignard built two lines of railroad that passed under a track of the Southern Railway Company and across its right of way by means of an underpass pursuant to a license with the Southern Railway Company and a contract for purchase of neighboring property with property owner B.B. Cayce. However, Guignard never executed his deed. *Id.* When Guignard started to build houses on the right of way and B.B. Cayce’s land, the Southern Railway Company instituted an action to require him to remove the houses, and the clerk of court conveyed the property to Southern Railway Company. *Id.* On appeal, Guignard argued he was entitled to compensation for his improvements to the land in question, namely the rental value of the houses he built. *Id.*, 135 S.C. 446, 134 S.E. at 33. However, the Court held that because Guignard occupied the right of way of the Southern Railway Company without a legal title and only an equitable right under his contract with B.B. Cayce, which conveyed no part of the land outside of the railroad’s right of way, he was a trespasser. *Id.* Therefore, Guignard was not entitled to the value of his improvements to the Southern Railroad Company’s right of way. *Id.*

Here, Finklea and New Life argue that because they allegedly made improvements to the Sumter Property, then they are entitled to recover for their improvements. Finklea and New Life have no legal right to be on the Sumter Property and are therefore trespassers. Accordingly, as held in *Guignard*, Finklea and New Life are not entitled to restitution for any alleged improvements to the Sumter Property as a reward for their trespass and Finklea and New Life cannot show

circumstances that would make it inequitable for the Progressive Church to retain benefits, if any, arising from “[p]roperty maintenance and improvements made by Plaintiffs since July of 2014.”

G. Plaintiffs’ claims for preliminary injunctive relief must be denied.

Because summary judgment is appropriate in favor of Defendants’ on all of Plaintiffs’ claims, Finklea and New Life cannot demonstrate “a[ny] likelihood of success on the merits” of the claims in their motion for preliminary injunction, and Finklea and New Life are not entitled to a preliminary injunction. *Poynter Invs., Inc. v. Century Builders of Piedmont, Inc.*, 387 S.C. 583, 586, 694 S.E.2d 15, 17 (2010).

V. CONCLUSION

In granting Defendants’ Motion for Partial Summary Judgment, this Court dismisses all of Finklea and New Life’s claims against Progressive Church of Our Lord Jesus Christ, Inc., Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and Bishop Paul C. Johnson and grants the following declaratory relief in favor of Defendants:

(1) The Progressive Church of Our Lord Jesus Christ, Inc. is the exclusive and sole holder of record legal title to the Sumter Property, and thus has the sole right to the exclusive, peaceable possession of that Property.

(2) The 1983 Church Constitution is the governing document for the Progressive Church and it vests ecclesiastical and secular governance authority for the Progressive Church solely in the Board of Bishops, as the highest ecclesiastical body in the Progressive Church.

(3) Plaintiffs are not a part of or members of the Progressive Church and have no permission from the Progressive Church, and no contractual or other legal or equitable rights to use, possess, or occupy the Progressive Church’s Sumter Property.

(4) Finklea and New Life are trespassers on the Sumter Property, and accordingly Finklea and New Life are ordered to vacate the Sumter Property immediately. This order to vacate the Sumter Property applies solely to New Life and Finklea and all his followers who are members of New Life. This Court clearly notes that this order to vacate does not apply to any saints who remain loyal to the Progressive Church's Sumter Congregation and who may continue to use, possess, or occupy the Sumter Property as permitted by and under the direction of the Progressive Church's Board Bishops.

(6) Defendants' pending counterclaims for an accounting, quantum meruit, and constructive trust are not affected by this Order.

For all of the foregoing reasons, Defendants' Motion for Partial Summary Judgment is **GRANTED** and Plaintiffs' Motion for Preliminary Injunction is **DENIED**.

AND IT IS SO ORDERED.

Hon. George M. McFaddin, Jr.
Circuit Court Judge



Sumter Common Pleas

Case Caption: New Life Apostolic Church, Inc. , plaintiff, et al VS Progressive Church Of Our Lord Jesus Christ, Inc. , defendant, et al
Case Number: 2020CP4301863
Type: Order/Temporary Injunction

So Ordered

S/George M. McFaddin, Jr., #2759

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ROA 00042

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS

THIRD JUDICIAL CIRCUIT

Case No. 2020-CP-43-01863

ORDER DENYING PLAINTIFFS' MOTION FOR A STAY OF SUMMARY JUDGMENT ORDER ON POSSESSION OF PROPERTY PENDING APPEAL

Plaintiffs New Life Apostolic Church, Inc. and Ricky Finklea (collectively, "Plaintiffs") filed a Motion for a Stay of Summary Judgment Order on Possession of Property Pending Appeal (the "Motion") on November 17, 2021. After a hearing and considering all filings presented by the parties, the Court denies the motion for the reasons set forth below.

BACKGROUND

With respect to the background and underlying history in this matter, the Court incorporates by reference its Order of November 17, 2021. The Court sees no reason to revisit that ground here.

In response to the motion, the Defendants provided the Affidavit of Ronald T. Scott. As set forth there (and reflected in the exhibits attached to the affidavit),

5. On or about January 23, 2015, and without authorization from the Progressive Church, Plaintiffs apparently requested that the Internal Revenue Service change the name of the taxpayer entity associated with the employer identification number ("EIN") for the Progressive Church's Sumter Congregation to New Life Apostolic Church, Inc[.]

6. Plaintiffs have continued to use, as recently as September, 2020, a checking account at Synovus Bank that is in the name of and owned by the Progressive Church, for both deposits and expenditures.

7. On December 30, 2021, I served a subpoena in this action to First Citizens Bank & Trust Company ("First Citizens"), requesting financial records for bank accounts held by New Life, and on January 19, 2022, I received documents from First Citizens in response to the subpoena. These documents reveal that New Life opened First Citizens checking account #XXXXXXXXX8170 on or about March 1, 2019 (the "First Citizens Account").

8. The First Citizens Account records include a copy of two checks dated July 15, 2020, #144737419 in the amount of \$9,673.00 and #144737420 in the amount of \$3,915.00. Both checks were issued by the State of South Carolina Office of State Treasurer as payor to Progressive Church of Our Lord Jesus Christ, Inc. as payee[.]

9. I researched the source and purpose of the two checks issued by the State of South Carolina Office of State Treasurer by contacting the State of South Carolina Office of the Comptroller General. My research revealed the two checks were issued at the request of the South Carolina Department of Transportation as part of a right-of-way acquisition[.]

10. I also reviewed the public land records for the County of Sumter, South Carolina and discovered that on April 29, 2020, Plaintiff Finklea apparently signed two (2) deeds, representing himself as "Pastor" of "Progressive Church of Our Lord Jesus Christ, Inc." and purporting to convey real property owned by the Progressive Church to the South Carolina Department of Transportation[.]

11. My review of First Citizens Account records has identified several other donor checks made payable to the Progressive Church which were endorsed by New Life Apostolic Church, Inc. and deposited into the First Citizens Bank Account.

The Court finds the affidavit as supported by the exhibits is credible, and Plaintiffs did not dispute the contents of the affidavit at the hearing.

ANALYSIS

Concurrent with filing a notice of appeal from the November 17, 2021 order, the Plaintiffs also sought a stay from this Court. The stay motion was based on the following grounds:

Plaintiffs have served and filed a Notice of Appeal of the Order; S.C. Code Ann. § 18-9-170 provides for the granting of a stay in a matter involving delivery of property when a written undertaking is executed; Defendants' interests in the property are protected by the sureties; Plaintiffs will suffer immediate, irreparable harm without the requested stay; and Plaintiffs' right to appeal will effectively be nullified if the Court's Order as it relates to the Sumter Property takes effect before the appeal is heard and decided.

I. The Plaintiffs have not satisfied the requirements of S.C. Code Ann. § 18-9-170.

In their subsequent memorandum in support, Plaintiffs suggest that because they have offered to name the Progressive Church as an additional named insured on a property and casualty insurance policy and to escrow the monthly rental value of the Property, then they have complied with the requirements of § 18-9-170, and thus a stay of the Court's Order requiring the Plaintiffs to immediately vacate the Sumter Property is automatically imposed.

The Court disagrees that the requirements of § 18-9-170 have been met. S.C. Code § 18-9-170 provides as follows:

If the judgment appealed from direct the sale or delivery of possession of real property, *the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties*, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking.

(emphasis added). Here, Plaintiffs have not offered to nor have they demonstrated that they could comply with § 18-9-170 and its requirement of a written undertaking with two sureties, even if the Court were to allow a stay.

A surety is:

1. Someone who is primarily liable for paying another's debt or performing another's obligation; specif., a person who becomes a joint obligor, the terms of the undertaking being identical with the other obligor's, and the circumstances under which the joint obligation is assumed being such that, if the joint obligor becomes required to pay anything, he or she will be entitled to complete reimbursement. . . . A surety differs from a guarantor, who is liable to the creditor only if the debtor does not meet the duties owed to the creditor; the surety is directly liable. Cf. guarantor.
2. A formal assurance; esp., a pledge, bond, guarantee, or security given for the fulfillment of an undertaking.

SURETY, Black's Law Dictionary (11th ed. 2019). Plaintiffs have not provided a bond, letter of credit, or any other form of guarantee, from two different sureties, such as a bank, insurance company, or bonding company that complies with the requirements of § 18-9-170. Instead they have offered to escrow funds and to name the Defendants as an additional named insured on an insurance policy. However, neither Plaintiff has an insurable interest in the Sumter Property because neither Plaintiff owns or leases the Property or has any equity in the Property. *Belton v. Cincinnati Ins. Co.*, 360 S.C. 575, 579, 602 S.E.2d 389, 391 (2004) (holding that a party holding an option to purchase property did not have an insurable interest in the underlying property because he did not have any equity in the underlying property). The Court finds that there has been no undertaking by the Plaintiffs and that neither of these proposed measures amounts to a surety for purposes of § 18-9-170.

In addition, the purpose of the undertaking under § 18-9-170 is “to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment.” Here, based on the allegations of the Scott affidavit, the Court finds that Plaintiffs cannot fairly represent to this Court that they will not “commit or suffer to be committed any waste” on the Sumter Property given their past actions with respect to the very property in dispute. As such, the Court finds that Plaintiffs have not satisfied the requirements of § 18-9-170, and the Court declines to provide for any relief under this section.

II. The Court finds that no relief is warranted under Rule 241, SCACR.

In addition, the Court, in its discretion, declines to stay this matter pursuant to Rule 241, SCACR. Generally, judgments directing the delivery of possession of real property are not subject to the automatic stay that is usually imposed when a party serves notice of appeal. See Rule 241(a) & (b)(4), SCACR. Under Rule 241, a Court may order a stay but only after considering “whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” Rule 241(c)(2), SCACR. “Whether to grant such a stay rests in the court’s discretion[.]” *Stearns Bank Nat. Ass’n v. Glenwood Falls, LP*, 375 S.C. 423, 426, 653 S.E.2d 274, 276 (2007).

Plaintiffs do not argue that a stay is necessary to preserve jurisdiction of the appeal; rather, Plaintiffs argue that their “right to appeal will effectively be nullified” if the provisions of the Court’s Order requiring Plaintiffs to vacate the Property are enforced prior to the time Plaintiffs’ appeal is heard and decided. A case is considered moot if “‘a judgment rendered by the Court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the Court.’” *Wachesaw Plantation East Community Services Ass’n, Inc. v. Alexander*, 414 S.C. 355, 359, 778 S.E.2d 898, 902 (2015) (citing *S.C. Ret. Syst. Inv. Comm’n v. Loftis*, 402 S.C. 382, 384, 741 S.E.2d 757, 758 (2013)). “‘Moot appeals result when intervening events prevent a decision on appeal from having an immediate impact on the parties.’” *Id.* (citing 15 S.C. Jur. *Appeal and Error* § 19 (Supp. 2014)).

Here, enforcing the provisions of the Order requiring Plaintiffs to vacate the Progressive Church’s Sumter Property will not adversely affect or “nullify” Plaintiffs’ Appeal, nor will the denial of a stay render any contested issue moot. Whether Plaintiffs continue to occupy the Sumter Property, which they clearly do not own or lease, or not has no legal bearing whatsoever

on Plaintiffs' right to appeal the Court's order or on jurisdiction of the Court of Appeals. The Plaintiffs' right of appeal is not a right that inheres in the Property itself or in possession of the Property. And the Property will not simply disappear if Plaintiffs vacate the Property. In the event that an appellate court were to issue a decision in Plaintiffs' favor, then Plaintiffs could reoccupy the Sumter Property. Under the established facts, Plaintiffs have failed to demonstrate that they are entitled to their requested stay. Yes, the Plaintiffs will incur some costs in vacating, but by the same token, the Progressive Church will bear the same costs if it is not allowed the use and possession of the Sumter Property. The Plaintiffs can hold services elsewhere just as easily as can the Progressive Church.

On the other hand, Defendants will be harmed by Plaintiffs' continued wrongful use of the Sumter Property. The right of the owner of real property to exclude others from its land is "one of the most essential sticks in the bundle of rights that are commonly characterized as property." *Sea Cabins on Ocean IV Homeowners Ass'n, Inc. v. City of North Myrtle Beach*, 345 S.C. 418, 431, 548 S.E.2d 595, 602 (2011) (citing *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 831 (1987)). As the Court has already recognized, the Progressive Church is entitled to exclude Plaintiffs from the Sumter Property. Further, the Progressive Church intends to resume its ministry and its operations within its Sumter Property. Plaintiffs have simply failed to articulate any justification for further preventing Progressive Church from exercising its "essential" right to exclude Plaintiffs from the Sumter Property.

Moreover, as reflected in the Scott affidavit and its exhibits, history strongly suggests the Plaintiffs will not be good stewards of the Sumter Property. Accordingly, the Court finds that the Plaintiffs have shown, by their actions, that waste is likely in the event they were to retain possession of the Sumter Property.

CONCLUSION

For all of these reasons, the Court denies the Motion pursuant to Rule 241, SCACR and S.C. Code Ann. § 18-9-170.

IT IS SO ORDERED.

Hon. George M. McFaddin, Jr.
Circuit Court Judge



Sumter Common Pleas

Case Caption: New Life Apostolic Church, Inc. , plaintiff, et al VS Progressive Church Of Our Lord Jesus Christ, Inc. , defendant, et al

Case Number: 2020CP4301863

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

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STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS

THIRD JUDICIAL CIRCUIT

Case No. 2020-CP-43-01863

Pursuant to Rule 43(k), SCRCP, counsel for the parties hereby stipulate as follows:

1. This Stipulation pertains to real and personal property located at 219 Crescent Avenue and 502, 504, and 508 N. Main Street in Sumter, South Carolina ("Premises"). The Premises consist primarily of a Church Building and adjoining Residential Building.
2. Plaintiffs have agreed and will vacate the Premises on or before April 10, 2022.
3. Plaintiffs will provide Defendants or Defendants' designees keys to all gate locks, pad locks, and all exterior and interior doors locks of the church building and residential building located at the Premises on or before April 8, 2022, after which Defendant's contractors may access the Premises for the purposes of evaluating any needed repairs.
4. Plaintiffs stipulate and agree to leave in place the following items of personal property located at the Premises: in the sanctuary of the Church Building, the 83 auditorium chairs, the pulpit podium, floral stands, communion table, baptism tub, and the sound equipment

affixed to the ceiling, and any other attached fixtures located in the Church Building and Residential Building.

5. Plaintiffs may remove only the following items of personal property from the Premises: 2 wing back pulpit chairs located in the sanctuary and the office furniture and any personal items (pictures, books, wall hangings, etc.) located in the offices in the Church Building.

This stipulation shall be signed and entered in the record in this action for purposes of binding the parties in accordance with Rule 43(k), SCRCF.

We so stipulate.

BOYKIN & DAVIS, LLC

By: s/ Peter E. Keup

Charles J. Boykin (SC Bar #65149)

Kenneth A. Davis (SC Bar #66416)

Peter E. Keup (SC Bar #78383)

P. O. Box 11844

Columbia, South Carolina 29211

Telephone: 803-254-0707

Facsimile: 803-254-5609

cjboykin@boykinlawsc.com

kdavis@boykinlawsc.com

pkeup@boykinlawsc.com

ATTORNEYS FOR PLAINTIFFS

We so stipulate

HAYNSWORTH SINKLER BOYD, P.A.

By: s/ James Y. Becker

James Y. Becker, Esq., (SC Bar No. 64991)

Costa M. Pleicones, Esq., (SC Bar No. 4479)

Ronald T. Scott, Esq., (SC Bar No. 103751)

Post Office Drawer 11889

Columbia, South Carolina 29211

(803) 779.3080 Tel

jbecker@hsblawfirm.com

cpleicones@hsblawfirm.com

rscott@hsblawfirm.com

**SMITH ROBINSON HOLLER DUBOSE
MORGAN, LLC**

G. Murrell Smith, Jr., Esq., (SC Bar No. 66263)

Post Office Box 580

Sumter, South Carolina 29151

(803) 778-2471 Tel

murrell@smithrobinsonlaw.com

ATTORNEYS FOR DEFENDANTS

April 5, 2022

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-_____

SUMMONS

TO: DEFENDANTS PROGRESSIVE CHURCH OF OUT LORD JESUS CHRIST, INC., THEODORE JENKINS, SR., LAND PRIESTER, DAVID S. JOHNSON, SR., AND PAUL C. JOHNSON:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at their address, P.O. Box 11844, Columbia, South Carolina 29211, within 30 days after the service hereof; exclusive of the day of such service; and if you fail to answer and defend the Complaint within the time aforesaid; the Plaintiffs in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

BOYKIN & DAVIS, LLC

By: s/Kenneth A. Davis

Charles J. Boykin (SC Bar #65149)
Kenneth A. Davis (SC Bar #66416)
Peter E. Keup (SC Bar #78383)

P. O. Box 11844
Columbia, South Carolina 29211
Telephone: 803-254-0707
Facsimile: 803-254-5609

Attorneys for Plaintiffs

December 18, 2020
Columbia, South Carolina

ROA 00053

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priestler, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-_____

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
REFORMATION OF DEED**

Now come the Plaintiffs, who, complaining of the Defendants, would allege and show the following:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, New Life Apostolic Church, Inc. (“NLAC”), was established in July of 2014 and incorporated under South Carolina law on December 3, 2014. Prior to that time the membership of NLAC operated as an unincorporated local congregation associated with the Progressive Church of Our Lord Jesus Christ, Inc. NLAC is the successor in interest to the previously unincorporated church.

2. Plaintiff Ricky Finklea (“Finklea”) is the pastor of NLAC, a position he has held since NLAC was established in 2014. Before the creation of NLAC, Finklea was an elder in the Progressive Church of Our Lord Jesus Christ, Inc., and from 2003 to 2014, he served as pastor of the Sumter congregation.

3. Defendants Theodore Jenkins, Sr., Lang Priestler, David S. Johnson, Sr., and Paul C. Johnson (“Individual Defendants”) are individuals who mistakenly claim to be the governing board for the Progressive Church of Our Lord Jesus Christ, Inc. (the “Progressive Church”).

4. This Action involves property located at 219 Crescent Avenue, and 502, 504 and 508 North Main Street in Sumter, South Carolina, with Sumter County Tax Map Numbers 228-04-02-072, 228-04-02-071, 228-04-02-067, and 228-04-02-056 (the “Property”).

5. This Action also involves an improper deed that was executed and filed by Defendants on September 20, 2019, that purports to convey the Property to the Progressive Church, in trust, for the sum of Ten Dollars and 00/100 (\$10.00).

6. Based on the foregoing, and as more specifically set forth herein, the South Carolina Court of Common Pleas for the Third Judicial Circuit is the appropriate venue and has jurisdiction over the Parties and the subject matter of this Action.

FACTUAL ALLEGATIONS

A. The Progressive Church

7. The Progressive Church is an association of churches with its headquarters in Columbia, South Carolina. The central office headquarters in Columbia, South Carolina, provides guidance and assistance for local congregations in South Carolina, North Carolina, Georgia, Florida, and New York.

8. The Progressive Church was founded in 1944 in Columbia, South Carolina, and was incorporated under South Carolina law on October 5, 1953.

9. On August 18, 1983, the Progressive Church adopted its Church Constitution, which was filed with the South Carolina Secretary of State’s Office.

10. The Church Constitution remains the authoritative document relating to the governance of the Progressive Church.

11. The Church Constitution is silent with respect to ownership of property used by local congregations. Further, the Church Constitution does not impose any trust on local congregation property.

12. With respect to the names of local congregations, the Church Constitution, in Article I, Section II, provides:

“All Churches in this Organization Shall Bear the Name:

Progressive Church of Our Lord Jesus Christ, Inc.

beginning or ending with any other name as approved by the Board of Bishops.”

13. With respect to leadership, the Church Constitution provides for a Board of Bishops that would govern the church in spiritual and secular matters. The Presiding Bishop is the chairman of the Board of Bishops.

14. The Church Constitution contains an article, Article V, that addresses the filling of vacancies on the Board of Bishops. Article V provides:

Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery. In the event all members of the Board of Bishops are rendered inactive because of death or incapacitation, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Co-Chairman of the Board of Presbytery shall become the Acting Assistant Presiding Bishop.

The Acting Presiding Bishop shall immediately call a special meeting of the Board of Presbytery and shall instruct its members concerning their task of electing the Presiding Bishop, the Assistant Presiding Bishop, and member (s) of the Board of Bishops.

The Acting Presiding Bishop shall encourage the members of the Board of Presbytery to utilize the power of prayer and fasting to seek the will of God in the election of members of the Board of Bishops.

The Acting Presiding Bishop shall inform the members of the Board of Presbytery that the election of the Board of Bishops must take place within sixty (60) days of the special meeting called.

15. The Church Constitution also provides for a Board of Presbytery appointed by the Board of Bishops. According to the Church Constitution, the Board of Presbytery acts in an advisory capacity to the Board of Bishops, and shall, along with the Board of Bishops, consider any proposed legislation submitted to the Board of Bishops.

16. At the time of the adoption of the Church Constitution there were two (2) bishops on the Board of Bishops, Joel G. Washington, who was Presiding Bishop, and Edward Smith. There was another bishop who had previously served on the Board of Bishops, Henry J. Breakfield, but he was not active in the Church at the time of the adoption of the Church Constitution or thereafter.

17. In April of 1987, Bishop Joel G. Washington died, and Bishop Edward Smith became the Presiding Bishop of the Progressive Church.

18. In August of 1987, during the 1987 Progressive Church Convocation, the Progressive Church's Board of Presbytery issued a resolution acknowledging Bishop Smith as the Presiding Bishop and granting Bishop Smith authority to establish an Advisory Council.

19. In February of 1988, the Progressive Church's Board of Presbytery adopted another resolution confirming Bishop Smith's executive authority to operate the day-to-day operations of the Progressive Church.

20. As the ecclesiastical and operational head of the Progressive Church, and under the authority granted by the 1988 resolution, Bishop Smith served in an executive role for the Progressive Church for decades and acted on behalf of the organization in all business and transactional matters.

21. On May 26, 2007, Bishop Smith issued an executive resolution wherein he appointed four (4) bishops as an Advisory Council and called them members of the Board of

Bishops. The additional appointments included the Individual Defendants: Theodore Jenkins, Sr.; Lang Priester; David S. Johnson; and Paul C. Johnson. Plaintiffs are informed and believe that the Individual Defendants were appointed by Bishop Smith to serve in an advisory capacity to Bishop Smith.

22. On July 7, 2007, Bishop Smith, with the approval of his appointed Advisory Council, appointed the following persons to serve as the Board of Presbytery: Elder Gerry Bailey, Elder Roy Brockington, Elder Ron Donaldson, Elder Wender Gavin, Elder Robert Mingo, Elder William E. Smith, and Elder Woodrow Willingham.

23. The group of elders appointed on July 7, 2007, to the Board of Presbytery has operated and functioned as the Board of Presbytery since their appointment on July 7, 2007. This includes holding meetings, conducting elections, and proposing changes regarding Church policy.

24. On June 16, 2010, in the South Carolina Court of Common Pleas, Third Judicial District, Judge S. Bryan Doby issued an Order for Judgment finding that a local congregation of Progressive Church in Bishopville, and not the national Progressive Church, owned its church property. The Order of Judgment based this conclusion on the facts that: the local congregation was the source of the funds for the property; there were no restrictions in the Church Constitution governing the ownership of property by a local congregation; and the national Progressive Church “a[t] no time exercised control over the local congregation as to matters of ownership or real estate or locally raised funds.” The Order of Judgment also included a finding that Bishop Smith’s appointment of the additional bishops did not constitute appointments to the governing board because the appointments were not made in accordance with the Church Constitution (*i.e.*, the additional bishops were not selected by the Board of Presbytery).

25. The Progressive Church, by the alleged “Board of Bishops”, which included the improperly appointed bishops, appealed the Order of Judgment to the South Carolina Court of Appeals, and on March 28, 2012, the Court of Appeals affirmed Judge Doby’s Order of Judgment.

26. Following the issuance of the Order of Judgment, and consistent with his actions in the prior two (2) decades, Bishop Smith served in an executive role for the organization and acted on behalf of the organization in all business and transactional matters.

27. During the time that Bishop Smith led the Progressive Church, the association between the national organization and local congregations was voluntary. Further, local congregation property was controlled, used, maintained, and improved by the local congregations without interference from the national organization.

28. Following the Order of Judgment in 2010 and until 2019, the Progressive Church did not assert ownership or control over local congregation church property. Further, local congregations in Atlanta, Georgia, and in Florence, South Carolina, disassociated from the Progressive Church and formed successor churches that maintained the use and control of local church property.

29. In February of 2019, four (4) members of the Progressive Church met claiming to hold a meeting of the Board of Presbytery. The four (4) members were Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Robert Mingo. However, only one (1) of them, Robert Mingo, was actually a member of the Board of Presbytery at the time of the meeting in February of 2019. Nevertheless, at this meeting, the four (4) purported members of the Board of Presbytery invoked Article V of the Church Constitution and voted to elect two (2) of them, Theodore Jenkins, Sr., and Lang Priester, to the Board of Bishops. That same day, the “newly

elected” Board of Bishops adopted a resolution appointing an additional two (2) members, David S. Johnson, Sr., and Paul C. Johnson, to serve on the Board of Bishops.

30. Later in 2019, Bishop Edward Smith started to experience significant health problems. The Individual Defendants, who were not appropriately appointed, took advantage of Bishop Smith’s failing health, and began to assert control of the Progressive Church and to change the way the association of churches operated. Among other things, Defendants began to take action to claim ownership and dominion over local congregation property, including the property of congregations who had previously disassociated from the Progressive Church.

31. On November 10, 2020, Bishop Edward Smith died, leaving no Presiding Bishop and no active Board who were duly appointed under the Church Constitution adopted in 1985.

32. Following Bishop Smith’s death, the Individual Defendants stepped up their efforts to control local congregations and to prevent challenges to their claims of being a duly appointed governing board. Among other things, they sent out notices to existing members of Board of Presbytery to notify them that they were being removed from the Board of Presbytery. This was done so that the Individual Defendants could clear the way for members that would be hand-picked by the Individual Defendants to support their unauthorized assumption of control at the national and local levels of the Progressive Church. None of the actions of the Individual Defendants were authorized by the Church Constitution or approved by the associated churches.

B. The Sumter Congregation and the Property

33. In 1998, the Sumter congregation acquired property at the corner of Crescent Avenue and North Main Street. The Property included a 25-by-50-foot building (with a post office address of 219 Crescent Avenue) that had been a dry cleaning business, and following the purchase, was used as a church by the Sumter congregation.

34. In the early part of 2000, Finklea was sent to the Sumter congregation by Bishop Smith to work under the guidance of David S. Johnson. At that time, the congregation had only three (3) members.

35. Three (3) years later (2003), Bishop Smith appointed Finklea as the Pastor of the Sumter congregation of the Progressive Church.

36. In 2004, two (2) individuals, Dorothy Neal and Hettie McFadden, granted property (502, 504 and 508 North Main Street) for the sum of Five Dollars and 00/100 (\$5.00), to "Progressive Church of Our Lord Jesus Christ, Inc., whose address is: 219 Crescent Avenue, Sumter, SC 29150." The Property included two (2) houses that were in need of significant repair.

C. Disassociation and Formation of a Successor Church (New Life Apostolic Church)

37. Following the unconstitutional appointments of the Individual Defendants in 2007, Finklea and the Sumter congregation became concerned about the leadership of the Progressive Church and the actions of the Individual Defendants and others in leadership positions within the Progressive Church. Among other things, there were several accusations made regarding improprieties involving church funds and improper relationships.

38. By 2014, Plaintiffs believed that there were Elders and Bishops within the Progressive Church who were not living by the standards professed by the Progressive Church. As a result, Finklea spoke to Bishop Smith and raised the concerns of his congregation regarding the actions of men in leadership positions within the Progressive Church. However, his discussions with Bishop Smith did not lead to resolution of the concerns.

39. On July 20, 2014, Finklea held a meeting for the Sumter congregation. At that time, there were approximately 30 members in the congregation. During the meeting, the members of the congregation discussed the concerns relating to the leadership of the Progressive

Church. Finklea informed the congregation that he was departing from the leadership of the Progressive Church. He then offered the congregation the option of disassociating from the Progressive Church and left the meeting so that the congregation members could consider and decide whether to disassociate.

40. The overwhelming majority of the congregation (over 90%) elected to disassociate from the Progressive Church.

41. Finklea informed the District Bishop who presided over the district for the Sumter congregation, Joseph D. Williams, of the Sumter congregation's decision to disassociate from the Progressive Church. Bishop Williams stated he understood the decision.

42. Bishop Williams informed Bishop Smith, who was the Presiding Bishop of the Progressive Church at the time, of the disassociation.

43. Thereafter, the members of the Sumter congregation formed a successor church, NLAC, which was incorporated as a nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014. From its inception, NLAC has operated openly as a separate and distinct church that is not associated with the Progressive Church.

44. On April 15, 2016, Bishop Smith met with Finklea to discuss the disassociation of the Sumter congregation and the successor church. They discussed the reasons for the separation and Bishop Smith requested that the Sumter congregation reconsider its decision. Finklea requested some time for the Sumter congregation to consider Bishop Smith's request.

45. On April 22, 2016, Finklea met again with Bishop Smith and informed him that the Sumter congregation's decision to disassociate from the Progressive Church was final. Bishop Smith accepted the decision and encouraged Finklea to remain faithful to the word of God.

46. Until the recent actions of the Individual Defendants, at no time following the disassociation did Bishop Smith or anyone else associated with the Progressive Church object to, or raise any concerns about, NLAC operating and conducting church activities on the Property.

47. Since its establishment in 2014, NLAC has occupied, maintained, and enhanced the Property without interference from the Progressive Church. In addition, NLAC has not paid any dues or assessments to the Progressive Church.

48. Further, since its establishment in 2014, NLAC has grown from 30 members to over 100 members. NLAC has significantly improved the Property, the church, and the houses on the Property, which has included renovations to the church and houses and the construction of an addition to the building located at 219 Crescent Avenue. These improvements have been financed and completed by NLAC and its membership with no contributions from the Progressive Church.

49. Empowered by the health issues of Bishop Smith, the Individual Defendants held an “Ecclesiastical Trial” on December 6, 2019, to consider “allegations” regarding Finklea even though Finklea was no longer a member of the Progressive Church. The Individual Defendants concluded at the trial, without Finklea being present to defend himself, that Finklea had committed “improper conduct”.

50. Then, following the death of Bishop Smith on November 10, 2020, the Individual Defendants decided to take further action against the Plaintiffs. In a letter dated December 11, 2020, the Individual Defendants claimed ownership of the Property, allegedly on behalf of the Progressive Church, and objected to a sign on the Property that displayed, “New Life Apostolic Church”. The letter discussed the Ecclesiastical Trial of December 6, 2019, and directed Finklea to “vacate the Progressive Church’s property in Sumter, South Carolina and remove all of [his]

belongings.” The letter claims that NLAC has no permission or legal right to use or occupy the property and that the “Progressive Church will also take action to remove and replace the [NLAC] signage.”

51. The December 11, 2020, letter to Finklea concludes with the following threat: “Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board’s decision that you vacate the Progressive Church’s property in Sumter, South Carolina by December 31, 2020.”

FIRST CAUSE OF ACTION
(Declaratory Judgment)

52. Each and every allegation as set forth in this Complaint, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

53. As forth in the Order of Judge S. Bryan Doby of the South Carolina Court of Common Pleas, Third Judicial District, Bishop Smith’s appointment of additional bishops in 2007 did not constitute appointments to the Church’s governing board because the appointments were not made in accordance with the Church Constitution.

54. The Order of Judgment also found with respect to the Property at issue that: the local congregation was the source of the funds for the property; there were no restrictions in the Church Constitution governing the ownership of property by a local congregation; and the national Progressive Church “a[t] no time exercised control over the local congregation as to matters of ownership or real estate or locally raised funds.”

55. The appointments of the Individual Defendants to the Board of Bishops in February of 2019 were also ineffective because the appointments were not made in accordance with the Church Constitution. The Individual Defendants were not members of the Board of

Presbytery at the time of the appointments. Further, the appointments were not made at a duly called or held meeting of the Board of Presbytery.

56. All appropriately appointed members of the Board of Bishops have been rendered inactive because of death. Therefore, pursuant to the Church Constitution, Article V, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Co-Chairman of the Board of Presbytery shall become the Acting Assistant Presiding Bishop and the Board of Presbytery shall elect a new Board of Bishops.

57. As such, the Individual Defendants do not represent the governing body of the Progressive Church and cannot take actions on behalf of the Progressive Church. Specifically, the Individual Defendants cannot execute or record a deed on behalf of the Progressive Church and have no authority to remove Plaintiffs from the Property.

58. In 2014, the members of the Sumter congregation disassociated from the Progressive Church and notified the Progressive Church of the decision to disassociate. Later in 2014, the members of the Sumter congregation formed and incorporated a successor church, NLAC.

59. From July 2014 to the present, Plaintiffs have operated openly as NLAC and have not paid any dues or assessments to the Progressive Church. In addition, during this time Plaintiffs have used, maintained, and made improvements to the Property.

60. Further, the Progressive Church, through its Presiding Bishop (and only duly appointed member of its Board) acknowledged the disassociation and did not object to, or in any way interfere with, NLAC's use and control of the Property.

61. Under the Church Constitution, no trust is imposed on any property used by local congregations. Further, as evidenced by the Progressive Church's practices since the Order of

Judgment, if a local congregation disassociates, the property used by the congregation goes with the congregation.

62. Therefore, Plaintiffs are entitled to a declaratory judgment that: (1) the Individual Defendants are not the governing board of the Progressive Church and have no authority to take action on behalf of the Progressive Church; (2) the procedures in Article V of the Church Constitution shall be used for filling the vacancies on the Progressive Church's Board of Bishops or, in the alternative, the Board of Bishops shall be determined by the Progressive Church membership at a Convocation; (3) the deed for the Property recorded by the Individual Defendants on September 20, 2019 ("2019 Deed") is invalid; (4) NLAC is the successor in interest of the Sumter congregation of the Progressive Church with respect to the Property; and (5) NLAC has rightful possession of the Property and cannot be evicted or otherwise removed from the Property by the Individual Defendants.

SECOND CAUSE OF ACTION
(Injunctive Relief)

63. Each and every allegation as set forth in this Complaint, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

64. The Individual Defendants have directed Plaintiffs to vacate the Property, which would drastically impede the functioning and operations of NLAC and the ability of the NLAC congregation to meet and conduct its religious and social activities. Essentially, the Individual Defendants are attempting to shut NLAC down by preventing NLAC from using its church property.

65. Plaintiffs believe that injunctive relief is necessary to remedy the Defendants' conduct and to prevent future injury and harm resulting from acts by Defendants that are

intended to impede the proper functioning of NLAC and NLAC's operations and use of the Property.

66. Plaintiffs have no adequate remedy at law for the above-described acts of the Defendants and Plaintiffs will suffer irreparable harm unless they obtain injunctive relief requiring Defendants to refrain from taking any action with respect to NLAC, its membership, or the Property.

67. Therefore, Plaintiffs seek preliminary and permanent injunctive relief from this Court as follows:

- (a) To issue an injunction and/or writ of mandamus requiring the Defendants to cease and desist from taking any actions on behalf of the Progressive Church, including any actions relating to the operations of NLAC, NLAC's Pastor, or related to the ownership or use of the Property; and
- (b) For such other and further injunctive relief as this Court may deem just and proper.

THIRD CAUSE OF ACTION
(Reformation of Deeds)

68. Each and every allegation as set forth in this Complaint, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

69. The Sumter congregation acquired the Property by Deeds executed in 1998 and 2004.

70. In 2014, the Sumter congregation disassociated from the Progressive Church and formed a successor church, NLAC.

71. The Property was acquired for the use of the Sumter congregation. Further, the Sumter congregation, and NLAC, have exclusively used, improved, and maintained the property since the Property was acquired.

72. Under the Church Constitution, no trust is imposed on any property used by local congregations. If a local congregation disassociates, the property used by the congregations goes with the congregation.

73. Accordingly, NLAC is now the owner of the Property.

74. Plaintiffs seek to reform the 1998 and 2004 Deeds so that they reflect that NLAC is the owner of the Property.

75. Without this reformation, Plaintiffs will sustain irreparable harm and prejudice and be subjected to continued reckless, willful, and wanton actions such as those of the Defendants when they filed a false and invalid deed in September of 2019.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs requests the following relief:

- a. For an Order from the Court granting Plaintiffs' request for declaratory judgment as set forth in the First Cause of Action herein;
- b. For preliminary and permanent injunctions against the Defendants as set forth in the Second Cause of Action herein;
- c. For an Order from the Court that reforms the 1998 and 2004 Deeds as set forth in the Third Cause of Action herein to designate NLAC as the owner of the Property;
- d. For attorney's fees and costs, and recoverable expenses in this action; and
- e. For such other relief as the Court may deem just and proper.

[SIGNATURE ON NEXT PAGE]

Respectfully submitted,

BOYKIN & DAVIS, LLC

By: s/Kenneth A. Davis

Charles J. Boykin (SC Bar #65149)

Kenneth A. Davis (SC Bar #66416)

Peter E. Keup (SC Bar #78383)

P. O. Box 11844

Columbia, South Carolina 29211

Telephone: 803-254-0707

Facsimile: 803-254-5609

Attorneys for Plaintiffs

December 18, 2020

Columbia, South Carolina

ROA 00069

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priestler, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-43-01863

**NOTICE OF MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

TO THE ABOVE-NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT Plaintiffs New Life Apostolic Church, Inc. ("NLAC") and Ricky Finklea (collectively "Plaintiffs") hereby respectfully move the Court pursuant to Rule 65 of the South Carolina Rules of Civil Procedure for a preliminary injunction that would preserve the status quo until the resolution of the underlying litigation and provide:

During the pendency of this action, Defendants must cease and desist from taking any actions on behalf of the Progressive Church with respect to NLAC's Pastor, Ricky Finklea, the operations of NLAC, or NLAC's use of the property where NLAC conducts its activities (*i.e.*, the property located at 219 Crescent Avenue and 502, 504 and 508 North Main Street in Sumter, South Carolina).

To support the Motion, Plaintiffs rely on the Complaint, the Affidavit of Ricky Finklea, this Notice, the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction, and any additional information Plaintiffs may be allowed to present to the Court.

The Motion is based on the grounds that Plaintiffs will suffer immediate, irreparable harm without the requested injunction, Plaintiffs are likely to succeed on the merits of their claims, and Plaintiffs have no adequate remedy at law.

[SIGNATURE ON NEXT PAGE]

ROA 00070

Respectfully submitted,

BOYKIN & DAVIS, LLC

By: s/Kenneth A. Davis

Charles J. Boykin (SC Bar #65149)

Kenneth A. Davis (SC Bar #66416)

Peter E. Keup (SC Bar #78383)

P. O. Box 11844

Columbia, South Carolina 29211

Telephone: 803-254-0707

Facsimile: 803-254-5609

Attorneys for Plaintiffs New Life Apostolic Church,
Inc., and Ricky Finklea

December 29, 2020
Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-43-01863

AFFIDAVIT OF RICKY FINKLEA

I, Ricky Finklea, having been duly sworn, depose and say the following:

1. I am over the age of 18 and reside at 2125 N. Main Street, Sumter, South Carolina, which is located in Sumter County.

2. I am currently the pastor of New Life Apostolic Church, Inc. ("NLAC"), which is located at 219 Crescent Avenue, Sumter, South Carolina.

3. NLAC is the successor in interest of the Sumter congregation that was associated with the Progressive Church of Our Lord Jesus Christ, Inc. ("Progressive Church"), which has its national headquarters in Columbia, South Carolina. The Sumter congregation, when it was in fellowship with the leadership of the Progressive Church, operated as an unincorporated association.

4. I became a member of the Progressive Church in 1977.

5. On August 18, 1983, the Progressive Church adopted its Church Constitution, which was filed with the South Carolina Secretary of State's Office. A copy of the Church Constitution is attached hereto as Exhibit 1.

6. I was ordained as a minister in the Progressive Church in July of 1993.

ROA 00072

7. In the early part of 2000, the Presiding Bishop of the Progressive Church, Bishop Edward Smith, sent me to the Sumter congregation to work under the guidance of David S. Johnson. At that time, the Sumter congregation had only three (3) members and was holding church services in a 25-by-50-foot building located at 219 Crescent Avenue in Sumter. It is my understanding that the property where the building was located was acquired by the Sumter congregation in 1998.

8. In July of 2003, I was ordained as an Elder in the Progressive Church and, in August of 2003, Bishop Smith appointed me as the Pastor of the Sumter congregation.

9. In 2004, two (2) individuals, Dorothy Neal and Hettie McFadden, granted additional property (502, 504 and 508 North Main Street) to the Sumter congregation for the sum of Five and 00/100 Dollars (\$5.00). The grantee in the deed is the "Progressive Church of Our Lord Jesus Christ, Inc., whose address is: 219 Crescent Avenue, Sumter, SC 29150."

10. On May 26, 2007, Bishop Smith issued an executive resolution wherein he appointed four (4) additional bishops: Theodore Jenkins; Lang Priester; David S. Johnson; and Paul C. Johnson ("Individual Defendants"). It was my understanding that these individuals were appointed by Bishop Smith to serve in an advisory capacity (*i.e.*, as an Advisory Council) to Bishop Smith.

11. On July 7, 2007, Bishop Smith, with the approval of his appointed Advisory Council, appointed the following persons to serve as the Board of Presbytery: Elder Gerry Bailey, Elder Roy Brockington, Elder Ron Donaldson, Elder Wender Gavin, Elder Robert Mingo, Elder William E. Smith, and Elder Woodrow Willingham. A copy of the Executive Order appointing the members of the Board of Presbytery is attached hereto as Exhibit 2.

12. On June 16, 2010, in the South Carolina Court of Common Pleas, Third Judicial District, Judge S. Bryan Doby issued an Order for Judgment finding that a local congregation of

Progressive Church in Bishopville, and not the national Progressive Church, owned the church property used by the local congregation. The Order of Judgment based this conclusion on the facts that: the local congregation was the source of the funds for the property; there were no restrictions in the Church Constitution governing the ownership of property by a local congregation; the national Progressive Church “a[t] no time exercised control over the local congregation as to matters of ownership or real estate or locally raised funds”; and the appointment of the additional bishops did not constitute appointments to the governing board because the appointments were not made in accordance with the Church Constitution. A copy of the Order of Judgment is attached hereto as Exhibit 3.

13. The “Board of Bishops” then filed an appeal on behalf of the Progressive Church, and on March 28, 2012, the South Carolina Court of Appeals affirmed Judge Doby’s Order of Judgment. A copy of the decision of the South Carolina Court of Appeals is attached hereto as Exhibit 4.

14. Following the unconstitutional appointments in 2007, the Sumter congregation became concerned about the actions of leaders in the Progressive Church, which included actions of Theodore Jenkins, Lang Priester, David S. Johnson, Paul C. Johnson. Among other things, we were concerned because there were several accusations made regarding improprieties involving church funds and improper relationships with Church members. I spoke with Bishop Smith about the concerns on several occasions but these discussions with Bishop Smith did not lead to a resolution of our concerns.

15. By 2014, I believed that the unconstitutionally appointed Bishops and others within the Progressive Church were not living by the standards professed by the Progressive Church. As a result, on July 20, 2014, I held a meeting for the Sumter congregation. We discussed the concerns relating to the leadership of the Progressive Church and I informed the congregation that I was

separating from the Progressive Church leadership. I then offered the members of the Sumter congregation the option of separation from the Progressive Church. I left the meeting room and told the congregation that those who wanted separate should sign a petition I left at the door. Over 90% of the Sumter congregation signed the petition. A copy of the documentation from the Sumter congregation meeting on July 20, 2014, which includes the meeting minutes and petition, is attached hereto as Exhibit 5.

16. Following the meeting on July 20, 2014, I informed Joseph D. Williams, the District Bishop who presided over the district that included the Sumter congregation at that time, of the Sumter congregation's decision to separate from the Progressive Church. Bishop Williams stated he understood the decision.

17. Shortly thereafter, Bishop Williams told me that he informed Bishop Smith of the separation of the Sumter congregation from the Progressive Church leadership.

18. The members of the Sumter congregation, including myself, formed a successor church, NLAC, which was incorporated as a nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014.

19. From its inception, NLAC has operated openly as a separate and distinct church from the Progressive Church. As such, NLAC has not paid any dues or assessments to the Progressive Church during its existence.

20. On April 15, 2016, I met with Bishop Smith to discuss the separation of the Sumter congregation from the Progressive Church leadership and the formation of NLAC as the successor church. We discussed the reasons for the separation and Bishop Smith requested that we reconsider our decision. At the end of our conversation, I requested some time to consider Bishop Smith's request.

21. On April 22, 2016, I met again with Bishop Smith and informed him that our decision to separate from the Progressive Church leadership was final. Bishop Smith accepted the decision and encouraged me to remain faithful to the word of God. A copy of my letter to Bishop Smith is attached hereto as Exhibit 6.

22. From the time of the establishment of NLAC in 2014 until this month (December 2020), no one associated with the Progressive Church objected to, or raised any concerns about, NLAC operating and conducting church activities on the Property. NLAC has occupied, maintained, and enhanced the Property without interference. Moreover, NLAC has significantly improved the Property, the church, and the buildings on the Property, which has included renovations to the church and buildings and the construction of an addition to the building located at 219 Crescent Avenue. These improvements have been financed and completed by NLAC and its membership without any contribution or assistance from the Progressive Church.

23. Further, since its establishment in 2014, NLAC has grown from 30 members to over 100 members.

24. On September 20, 2019, without notifying me or any other member of NLAC, Paul C. Johnson recorded a deed with the Register of Deeds in Sumter County that purportedly conveyed the Property to be held in trust for the Progressive Church in Columbia for the sum of Ten and 00/100 Dollars (\$10.00). The deed also included a restriction on the Property which precludes any sale or encumbrance of the Property without the written consent of the "Board of Bishops of the Progressive Church." I learned of the deed after it had been recorded and obtained a copy from the Register of Deeds, which is attached hereto as Exhibit 7.

25. On December 11, 2020, I received a letter from Paul C. Johnson that purports to be written on behalf of the "Board of Bishops". The letter references an "Ecclesiastical Trial" that had been held on December 6, 2019, to consider "allegations" against me. However, I was not a

member of the Progressive Church at that time. Further, the letter provides that they concluded at the trial that I had committed “improper conduct” even though I was not present to defend against the allegations.

26. The December 11, 2020, letter also asserts that the church property where NLAC operates is owned by the Progressive Church, and that the Board of Bishops objects to a sign on the Property that displayed, “New Life Apostolic Church”. The letter also directs me to “vacate the Progressive Church’s property in Sumter, South Carolina and remove all of [my] belongings” by December 31, 2020. The letter claims that NLAC has no permission or legal right to use or occupy the property and that the “Progressive Church will also take action to remove and replace the [NLAC] signage.”

27. The December 11, 2020, letter concludes with the following threat: “Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board’s decision that you vacate the Progressive Church’s property in Sumter, South Carolina by December 31, 2020.” A copy of the letter is attached hereto as Exhibit 8.

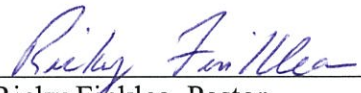
28. As a result of this serious and imminent threat levied against me and NLAC, we filed a lawsuit to protect against the unauthorized and inappropriate interference with our use of church property.

29. If Individual Defendants to the lawsuit are not enjoined from taking action against us, NLAC and I will suffer immediate, irreparable harm. We would not be able to perform our daily operations or access our workspaces or conduct any church meetings or gatherings. In addition, during the pandemic, we are streaming religious services for our membership from our church at 219 Crescent Avenue in Sumter. We have invested significantly in the maintenance and improvement of our church. If we are removed from the church property and displaced, we would

be left scrambling for a place to function and we would be excluded from the buildings we have built, repaired, and renovated. After enduring a particularly harsh year filled with the uncertainty caused by a pandemic, the congregation would be inappropriately expelled from its well-established place of worship. Put another way, it would be the equivalent of this court and all of its staff being abruptly removed from its courthouse.

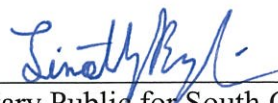
30. In contrast, if an injunction is granted, Individual Defendants will suffer little to no harm as it would maintain the status quo. Individual Defendants do not use or rely on NLAC's church property. Further, they have not invested in the property, or assisted with the property, in any way since the establishment of the NLAC in 2014.

FURTHER AFFIANT SAYETH NOT



Ricky Finklea, Pastor
New Life Apostolic Church, Inc.

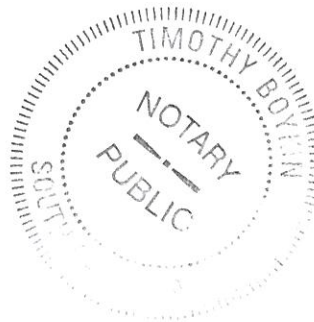
SWORN to before me this 29th day
of December, 2020



Notary Public for South Carolina

My Commission Expires: _____

My Commission Expires October 2, 2027



STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-43-01863

**MEMORANDUM OF LAW IN SUPPORT
OF MOTION FOR PRELIMINARY
INJUNCTION**

This case involves a group of church members (“Individual Defendants”) who have improperly seized the administration of a national association of churches (“Progressive Church of Our Lord Jesus Christ, Inc.” or “Progressive Church”) and are threatening to remove a separated local congregation in Sumter from its church property (“Property”).¹ In 2014, the local congregation separated from the Progressive Church and formed a successor church, New Life Apostolic Church, Inc. (“NLAC”). Since that time, NLAC has operated openly as a successor church on the Property with the Progressive Church’s acknowledgement.

Shortly after the death of the Progressive Church’s only duly appointed leader, Bishop Edward Smith, the Individual Defendants sent a threatening letter to Ricky Finklea, who is the Pastor of NLAC, and directed him to leave the Property. As a result, Plaintiffs Finklea and NLAC filed this Action for declaratory and injunctive relief. In this Action, Plaintiffs will show, among other things, that the Individual Defendants are not the governing board of the Progressive Church

¹ The Property is located at 219 Crescent Avenue, and 502, 504 and 508 North Main Street in Sumter, South Carolina, with Sumter County Tax Map Numbers 228-04-02-072, 228-04-02-071, 228-04-02-067, and 228-04-02-056.

and have no authority to take action on behalf of the Progressive Church. Plaintiffs will also show that NLAC has rightful possession of the Property and cannot be legally expelled or otherwise removed from the Property.

Until Plaintiffs are afforded the opportunity to prove their claims in this Court, Plaintiffs are facing an imminent threat of removal from the Individual Defendants. If this threat is carried out, Plaintiffs will suffer severe, irreparable harm as its church activities and operations would be significantly and indefinitely disrupted. Such disruption cannot be remedied by money damages or any other remedy at law. Consequently, Plaintiffs have filed the present motion for a preliminary injunction in order to preserve the status quo during the pendency of the Action.

BACKGROUND

A. The Progressive Church and the Church Constitution

The Progressive Church is an association of churches with its headquarters in Columbia, South Carolina. The Progressive Church was founded in 1944 and incorporated under South Carolina law on October 5, 1953.

On August 18, 1983, the Progressive Church adopted its Church Constitution, which remains the authoritative document relating to the governance of the Progressive Church. The Church Constitution is silent with respect to ownership of property used by local congregations fellowshiping with the national church. Further, the Church Constitution does not create any trusts with respect to local congregation property or in any way restrict the ability of local congregations to own or sell real property.

The Church Constitution provides for a Board of Bishops that is responsible for the operations of the Progressive Church at the national level. The Presiding Bishop is the chairman of the Board of Bishops.

The Church Constitution also provides for a Board of Presbytery appointed by the Board of Bishops. According to the Church Constitution, the Board of Presbytery acts in an advisory capacity to the Board of Bishops, and shall, along with the Board of Bishops, consider any proposed legislation submitted to the Board of Bishops.

The Church Constitution provides that vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery.² Further, the Church Constitution provides that in the event all members of the Board of Bishops are rendered inactive because of death or incapacitation, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Board of Presbytery shall elect the members of the Board of Bishops from the Board of Presbytery.

B. The Leadership of the Progressive Church and the Individual Defendants' False Claims of Authority

At the time of the adoption of the Church Constitution in 1983 there were two (2) bishops on the Board of Bishops, Joel G. Washington, who was Presiding Bishop, and Bishop Edward Smith. In April of 1987, Bishop Washington died, and Bishop Smith became the Presiding Bishop of the Progressive Church. As the ecclesiastical and operational head of the Progressive Church Bishop Smith served in an executive role for the national organization and acted on behalf of the organization in business and transactional matters. During the time that Bishop Smith led the Progressive Church, the association between the national organization and local congregations was voluntary. Further, local congregation property was controlled, used, maintained, and improved by the local congregations. Bishop Smith supported the local congregations with guidance and occasional financial support but did not try to control local congregations or their property.

² The provisions of the Church Constitution that govern vacancies on the Board of Bishops are included in Article V of the Church Constitution. Complaint at ¶ 14 and Affidavit of Ricky Finklea ("Finklea Affidavit"), Exhibit 1.

On May 26, 2007, Bishop Smith issued an executive resolution wherein he announced the appointment of four (4) bishops. The additional appointments included the Individual Defendants in this case, *i.e.*, Theodore Jenkins, Lang Priester, David S. Johnson, and Paul C. Johnson. The appointments were not made by the Board of Presbytery as required by the Church Constitution.

On July 7, 2007, Bishop Smith appointed the following persons to serve as the Board of Presbytery: Elder Gerry Bailey, Elder Roy Brockington, Elder Ron Donaldson, Elder Wender Gavin, Elder Robert Mingo, Elder William E. Smith, and Elder Woodrow Willingham. This group has operated and functioned as the Board of Presbytery for the past 13 years, which includes holding meetings, conducting elections, and proposing changes regarding Church policy.

After the appointment of the Individual Defendants, a legal dispute arose regarding local congregation property in Bishopville. On June 16, 2010, in the South Carolina Court of Common Pleas, Third Judicial District, Judge S. Bryan Doby issued an Order for Judgment finding that the local congregation of Progressive Church in Bishopville, and not the national Progressive Church, owned its church property.³ The Order of Judgment based this conclusion on the facts that: the local congregation was the source of the funds for the property; there were no restrictions in the Church Constitution governing the ownership of property by a local congregation; and the national Progressive Church “a[t] no time exercised control over the local congregation as to matters of ownership or real estate or locally raised funds.” The Order of Judgment also included a finding that Bishop Smith’s appointment of the additional bishops did not constitute appointments to the governing board of the Progressive Church because the appointments were not made in accordance

³ A copy of Judge Doby’s Order of Judgement is attached as Exhibit 3 to the Finklea Affidavit. The “Board of Bishops” appealed the decision and the South Carolina Court of Appeals affirmed Judge Doby’s decision. Finklea Affidavit, Exhibit 4.

with the Church Constitution (*i.e.*, the additional bishops were not selected by the Board of Presbytery).

In February of 2019, apparently as an attempt to address the findings in the Order of Judgment, four (4) members of the Progressive Church met claiming to hold a meeting of the Board of Presbytery. The four (4) members were Theodore Jenkins, Lang Priester, David S. Johnson, Sr., and Robert Mingo. Only one (1) of them, Robert Mingo, was a member of the Board of Presbytery at that time. Nevertheless, at this meeting, the four (4) members, while claiming to be the Board of Presbytery, elected two (2) of them, Theodore Jenkins and Lang Priester, to be on the Board of Bishops. That same day, the new “Board of Bishops”, which included the two (2) inappropriately elected members, adopted a resolution appointing two (2) additional members, David S. Johnson, Sr., and Paul C. Johnson, to serve on the Board of Bishops. David S. Johnson, Sr., and Paul C. Johnson were not members of the Board of Presbytery when they were appointed, nor were they elected by the Board of Presbytery to the Board of Bishops as required by the Church Constitution.

Later in 2019, Bishop Smith began to experience health problems and the Individual Defendants began to claim that they were the governing board of the Progressive Church. Among other things, the Individual Defendants began to modify the deeds to the property of local congregations to impose a trust on the property for the Progressive Church.⁴ After Bishop Smith died on November 10, 2020, the Individual Defendants escalated their actions in an apparent effort

⁴ Plaintiffs are informed and believe that Defendants changed the deeds for the properties of local congregations in Tallahassee, Florida; Sumter, South Carolina; and Denmark, South Carolina.

to suppress any challenges to their mistaken authority and to subjugate pastors and local congregations to their control.⁵

C. The Sumter Congregation and Its Separation from the Progressive Church Leadership

In 1998, the Sumter congregation acquired property at the corner of Crescent Avenue and North Main Street in Sumter. The Property included a 25-by-50-foot building (with a post office address of 219 Crescent Avenue) that had been a dry-cleaning business and was used as a church by the Sumter congregation. In the early part of 2000, Finklea, who was a minister, was sent to the Sumter congregation by Bishop Smith to work under the guidance of the congregation's pastor at the time, David S. Johnson. When Finklea arrived, the congregation had only three (3) members.

In July of 2003, Finklea was ordained as an Elder in the Progressive Church and in August of 2003, Bishop Smith appointed Finklea as the Pastor of the Sumter congregation. In 2004, the Sumter congregation received additional property located at 502, 504 and 508 North Main Street, which contained two (2) houses in need of repair.

Following the unconstitutional appointments of the Individual Defendants in 2007, Finklea and the Sumter congregation became concerned about the leadership of the Progressive Church and the actions of the Individual Defendants. Among other things, there were accusations made that involved the Individual Defendants and improprieties involving church funds and inappropriate relationships.

By 2014, Plaintiffs believed that leaders within the Progressive Church were not living by the standards professed by the Progressive Church. As a result, Finklea spoke to Bishop Smith and

⁵ Among other things, the Individual Defendants have taken action to remove members of the Board of Presbytery and replace them with people selected by the Individual Defendants.

raised the concerns of his congregation. However, these discussions did not lead to resolution of the concerns.

On July 20, 2014, Finklea held a meeting for the Sumter congregation. At that time, there were approximately 30 members in the congregation. During the meeting, the members of the congregation discussed the concerns relating to the leadership of the Progressive Church. Finklea informed the congregation that he was separating from the leadership of the Progressive Church. He then offered the congregation the option of separating from the Progressive Church leadership and left the meeting so that the congregation members could consider and decide whether to separate. The overwhelming majority of the Sumter congregation (over 90%) elected to separate from the Progressive Church. Finklea then informed the national headquarters of the Progressive Church of the congregation's decision to separate.

Thereafter, the members of the Sumter congregation formed a successor church, NLAC, which was incorporated as a nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014. From its inception, NLAC has operated openly as a separate and distinct church that is not associated with the Progressive Church.

In 2016, Bishop Smith requested that the Sumter congregation, which was then the NLAC, reconsider its decision to separate. The congregation considered the request and then informed Bishop Smith that its decision to separate from the Progressive Church was final. Bishop Smith accepted the decision and at no time following the separation did Bishop Smith object to, or raise any concerns about, NLAC operating and conducting church activities on the Property.

Since its establishment in 2014, NLAC has not paid any dues or assessments to the Progressive Church. NLAC has occupied, maintained, and enhanced the Property, which has included renovating and constructing an addition to the church and renovating the houses on

church property. These improvements have been financed and completed by NLAC and its membership with no contributions from the Progressive Church. Further, since its establishment in 2014, NLAC has grown from 30 members to over 100 members.

D. The Individual Defendants Actions Against Pastor Finklea and NLAC

On September 20, 2019, without notifying Plaintiffs, the Individual Defendants recorded a deed with the Register of Deeds in Sumter County that purportedly conveyed the Property so that it would be held in trust for the Progressive Church in Columbia. The deed also included a restriction on the Property which precludes any sale or encumbrance of the Property without the written consent of the “Board of Bishops of the Progressive Church.”

On December 11, 2020, Finklea received a hand-delivered letter from Paul C. Johnson that purports to be written on behalf of the “Board of Bishops”. The letter referenced an “Ecclesiastical Trial” that had been held without Finklea’s participation on December 6, 2019, to consider “allegations” against Finklea. The letter further asserted that NLAC’s Property was owned by the Progressive Church, and that the sign on the Property that read “New Life Apostolic Church” needed to be removed. The letter also directed Finklea to vacate the Property and remove his belongings by December 31, 2020. The letter concludes with the following threat: “Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board’s decision that you vacate the Progressive Church’s property in Sumter, South Carolina by December 31, 2020.”

PRELIMINARY INJUNCTION STANDARD

"The purpose of a preliminary injunction is to preserve the status quo and prevent irreparable harm to the party requesting it." Compton v. S.C. Dept. of Corrections, 392 S.C. 361, 366; 709 S.E.2d 639, 642 (2011) (citing Powell v. Immanuel Baptist Church, 261 S.C. 219, 221;

199 S.E.2d 60, 61 (1973)). To obtain a preliminary injunction, the moving party must allege sufficient facts to state a cause of action for injunction and demonstrate that this relief is reasonably necessary to preserve the rights of the parties during the litigation. Id. The moving party must establish that (1) it will suffer immediate, irreparable harm without the injunction; (2) it has a likelihood of success on the merits; and (3) it has no adequate remedy at law. Id. In evaluating whether Plaintiff is entitled to a preliminary injunction, the court must examine the merits of the underlying case only to the extent necessary to determine whether the moving party has made a sufficient *prima facie* showing of entitlement to relief. Id.

"In deciding whether to grant an injunction, the court must balance the benefit of an injunction to the plaintiff against the inconvenience and damage to the defendant, and grant an injunction which seems most consistent with justice and equity under the circumstances of the case." Id. The Court should be mindful that injunctions are routinely granted "even though the injunctive remedy may cause some economic hardship" to the defendant. Sea Pines Plantation Co. v. Wells, 294 S.C. 266, 274-275; 363 S.E.2d 891, 896 (1987).

ARGUMENT

A. Plaintiffs Will Suffer Immediate, Irreparable Harm if a Preliminary Injunction Is Not Issued.

Whether a wrong is irreparable, in the sense that equity may intervene, should not be decided by narrow and artificial rules. Kirk v. Clark, 191 S.C. 205, 211, 4 S.E.2d 13, 16 (1939). "In considering whether to grant an **injunction**, the trial court should balance the equities: the court should look at the particular facts of each case and the equities of each party and determine which side, if any, is more entitled to equitable relief." Peek v. Spartanburg Reg'l Healthcare Sys., 367 S.C. 450, 626 S.E.2d 34 (Ct. App. 2005).

In this matter, equity weighs heavily in favor of the Plaintiffs. If Defendants are not enjoined from taking the action they have threatened, Plaintiffs will suffer immediate, irreparable harm. Plaintiffs would be forced to leave the Property that they have built up, maintained, and used as a place of worship since the NLAC was established. Further, Plaintiffs would not be able to continue the church's daily operations, conduct any church meetings or gatherings, or stream religious services for its membership. After enduring a particularly harsh year filled with the uncertainty caused by a pandemic, the congregation would be inappropriately and abruptly expelled from its well-established place of worship.

In contrast, if an injunction is granted, Individual Defendants will suffer little to no harm. Individual Defendants do not use or rely on NLAC's church property. Further, Individual Defendants have not invested in the property or assisted with the property in any way since the establishment of the NLAC in 2014.

The status quo, which has been in place since 2014, is for the NLAC to conduct its church activities on the Property. This status quo should be maintained until the congregation is afforded the opportunity to establish their claims.

B. Plaintiffs Are Likely to Succeed on the Merits of Their Claims.

When seeking a preliminary injunction, the plaintiff need not prove an absolute legal right; the plaintiff need only present "a fair question to raise as to the existence of such a right." Williams v. Jones, 92 S.C. 342, 347, 75 S.E. 705, 710 (1912). "Once a prima facie showing has been made entitling the plaintiff to injunctive relief, a temporary injunction will be granted without regard to the ultimate termination of the case on the merits." Helsel v. City of North Myrtle Beach, 307 S.C. 29, 32, 413 S.E.2d 824, 826 (1992).

Plaintiffs' claims are essentially twofold: (1) Individual Defendants do not have the authority to act on behalf of the Progressive Church to remove Plaintiffs from the Property; and (2) NLAC, as the successor in interest of the Sumter congregation, has the rightful possession and control of the Property. The facts set forth in the Complaint, Finklea Affidavit, and this Memorandum, establish a *prima facie* showing for both of these claims.

Individual Defendants do not have authority to act on behalf of the Progressive Church because they were not appointed to the Church's governing board in accordance with the Church Constitution. The legitimacy of their appointments was litigated and the Court determined that the appointments were invalid. Finklea Affidavit, Exhibit 3. Further, the actions of the Individual Defendants in February 2019 did not cure the procedural flaws or provide any legitimacy to the appointments. Individual Defendants were not elected by the Board of Presbytery. In addition, Individual Defendants could not be appointed to the Board of Bishops because they were not members of the Board of Presbytery at the time of the appointments as required by the Church Constitution. As a result, Individual Defendants do not represent the governing board and cannot invoke the authority of the Progressive Church to remove Plaintiffs from the Property.

The issue of ownership of property by a local congregation of the Progressive Church was also litigated in the prior case and the Court found in favor of the local congregation. Specifically, the Court found that the local congregation in Bishopville, and not the Progressive Church, owned the property because, among other things, the local congregation was the source of the funds for the property, there were no restrictions in the Church Constitution regarding local congregation ownership of property, and the Progressive Church had not exercised control over the local congregation with respect to ownership of real estate or locally raised funds.

The facts in this Action are even more favorable to the local congregation than those in the Bishopville case. In this matter, the local congregation clearly and unequivocally separated from the Progressive Church and formed a successor in interest, NLAC, which has not paid any dues or assessments to the Progressive Church during its existence. From the time of the establishment of NLAC in 2014 until this month (December 2020), no one associated with the Progressive Church objected to, or raised any concerns about, NLAC operating and conducting church activities on the Property. Further, NLAC has occupied, maintained, and enhanced the Property including significant improvements to the Property, the church, and the houses on the Property. These improvements have been financed and completed by NLAC and its membership without any contribution or assistance from the Progressive Church.

Based on these facts and the matters previously litigated, Plaintiffs have made a clear showing as to the merits of their claims. As such, a preliminary injunction is appropriate.

C. Plaintiffs Do Not Have an Adequate Remedy at Law

Plaintiffs are facing an imminent threat of removal from their church. If the threat is carried out, Plaintiffs will be irreparably harmed and the harm cannot be cured by money damages. NLAC is growing and thriving as a local church. The membership has grown from 30 members to over 100. Faced with the challenges of the pandemic, NLAC has continued to provide religious services to its members. If stripped of its church and headquarters, NLAC's operations will be significantly disrupted, if not completely halted. NLAC and its members would be unjustifiably denied the benefits of the Property they have used and improved since the Church's inception. The disruption would threaten the growth of NLAC and, more importantly, its ability to function at all. In such a situation, it is clear that no legal remedy could restore what would be lost.

CONCLUSION

Based on the foregoing, and on the Complaint, the Affidavit of Ricky Finklea, Plaintiffs' Notion of Motion and Motion for Preliminary Injunction, and any additional information Plaintiffs may be allowed to present to the Court, Plaintiffs respectfully move the Court pursuant to Rule 65 of the South Carolina Rules of Civil Procedure to preserve the status quo through the following preliminary injunction:

During the pendency of this action, Defendants must refrain from taking any actions on behalf of the Progressive Church with respect to NLAC's Pastor, Ricky Finklea, the operations of NLAC, or NLAC's use of the property where NLAC conducts its activities (*i.e.*, the property located at 219 Crescent Avenue and 502, 504 and 508 North Main Street in Sumter, South Carolina).

Respectfully submitted,

BOYKIN & DAVIS, LLC

By: s/Kenneth A. Davis

Charles J. Boykin (SC Bar #65149)
Kenneth A. Davis (SC Bar #66416)
Peter E. Keup (SC Bar #78383)

P. O. Box 11844
Columbia, South Carolina 29211
Telephone: 803-254-0707
Facsimile: 803-254-5609

Attorneys for Plaintiffs New Life Apostolic Church,
Inc., and Ricky Finklea

December 29, 2020
Columbia, South Carolina

ROA 00091

EXHIBIT 1

Jun 08 2020
REFERENCE ID: 532042

Document Number
0001 - P.1

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.

CONSTITUTION

ARTICLE I - ORGANIZATION

Section I. Name of Organization

The name of this organization is the Progressive Church of Our Lord Jesus Christ, Incorporated.

Section II. All Churches in this Organization Shall Bear the Name:

PROGRESSIVE CHURCH OF OUR
LORD JESUS CHRIST, INC.

beginning or ending with any other name as approved by the Board of Bishops.

Churches seeking membership with this organization shall agree to be governed by its laws, by-laws, rules and regulations, and to be subject to the pastoral appointments made by the governing body of this organization.

Section III. Purpose of the Organization

The purpose of the organization is to teach the doctrines and beliefs of the Apostolic Faith and to own, establish and maintain churches, thereby perpetuating the Progressive Church of Our Lord Jesus Christ, Inc.

Section IV. Organizational Structure

The Progressive Church of Our Lord Jesus Christ, Inc. shall function on National, District, and Local levels. There shall be a National Young People's Union, National Women's Auxiliary Board, and National Sunday School Board. Young People's Unions, Women's Auxiliary Boards, and Sunday School Boards may also function on District and Local levels, as deemed necessary by District Elders and local Pastors.

*Not in effect
Recent*

Section V. Purpose of Constitution

We, the members of the Progressive Church of Our Lord Jesus Christ, Inc., do ordain and establish this constitution to further the preaching and propagating of the Gospel of Jesus Christ, and to further promote the spiritual welfare of our members through instructions in the Apostles' Doctrine.

ARTICLE II - STATEMENT OF BASIC DOCTRINES

1. The infallibility of scripture.
2. The oneness of the Godhead (Deity of Christ).
3. Virgin Birth.
4. Faith and repentance toward God.
5. The essentiality of water baptism in the name of the Lord Jesus Christ for the remission of sins.
6. The essentiality of being filled with the Holy Ghost with the initial evidence of speaking in other tongues as the Holy Ghost gives utterance.

Jun 08 2020

ARTICLE III - CLERGY

REFERENCE ID: 532042

Section I.

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

rgy of the Progressive Church of Our Lord Jesus Christ, Inc.
onsist of Bishops, Elders, and Ministers. The Clergy shall
function in various capacities as God has gifted them in accordance
with Ephesians 4:11.

Section II. Board of bishops

The Progressive Church of Our Lord Jesus Christ, Inc. shall be governed by a Board of bishops which shall at no time consist of less than three (3) members, and shall have as officers, the Presiding Bishop, the Assistant Presiding Bishop and the Secretary to the Board of Bishops. This Board shall govern the church in both spiritual and secular matters. The Board of Bishops shall be responsible for setting forth biblical teachings and doctrines in accordance with the scriptures, and shall have the power to command that all ministers of this organization do the same. In secular matters, the Board of Bishops shall be responsible for the overall operation of the church and its financial growth and stability.

The Board of Bishops shall have the right to investigate the background of any church or organization wishing to become a part of the Progressive Church of Our Lord Jesus Christ, Inc. in an effort to determine if the said church or organization should gain membership into this body.

The members of the Board of Bishops shall retain their positions on the Board for life, unless physically or mentally incapacitated, as long as their lives are in harmony with the Word of God and are not guilty of any improper act or belief. The Board of Bishops shall meet at least four (4) times a year. —

Section III.

There shall be a Board of Presbytery appointed by the Board of Bishops which shall consist of consecrated Bishops who are not members of the Board of Bishops and ordained Elders who have met the qualifications outlined in I Timothy 3:1-7, who have been members of this organization three (3) consecutive years and who have been ordained three (3) years.

This Board of Presbytery shall act in an advisory capacity to the Board of Bishops. The Board of Presbytery shall, along with the Board of Bishops, consider any proposed legislation submitted to the Board of Bishops.

The offices of the Board of Presbytery shall be a Chairman, Co-Chairman, Secretary, Assistant Secretary, and Sergeant-At-Arms. The officers of this board shall be elected by its members to serve terms of four (4) consecutive years. The election of officers shall be held during the Annual Convocation of the election year.

The Board of Presbytery shall meet at least twice a year. Once when deemed necessary by the Chairman of the Board and once along with the Board of Bishops.

Section IV. District Bishops or District Elders

The Board of Bishops shall appoint District Bishops or District Elders to preside over the districts. District Bishops or District Elders shall be ordained Elders who have met the standards out-

ORIGINAL ON FILE IN THIS OFFICE
Article III, Section IV Continued:

0001 - p.3

Jun 08 2020

REFERENCE ID: 532042

Mark Hammond
District Bishops or District Elders shall be responsible for the
revision of all District Auxiliaries and appointments of
s to head these auxiliaries.
SECRETARY OF STATE OF SOUTH CAROLINA

The District Bishops or District Elders shall insure that all taxes and assessments, regular and special, levied by the National organization are rendered to the National Treasury in compliance with guidelines set forth for such taxes and assessments.

The District Bishops or District Elders shall be responsible for conducting and presiding over all district meetings. Such meetings will be held at the District Bishops' or District Elders' discretion as long as they do not interfere with any national meetings. District Meetings will be held at least once a year.

Section V. Pastors

All pastoral appointments shall be made by the members of the Board of Bishops upon the recommendations of the appointee's pastor and District Bishop or District Elder.

All pastors of local churches shall be ordained Elders who have met the standards outlined in I Timothy 3:1-7 and adhere to and uphold the true Apostolic principles as taught by the Progressive Church of Our Lord Jesus Christ, Inc.

The pastors of local churches shall be responsible for instructing, encouraging, advising, and aiding his congregation in an effort to maintain high standards of holiness within the local churches.

Section VI. Local Ministers

Any person licensed as a local minister of the Progressive Church of Our Lord Jesus Christ, Inc. shall have proven himself faithful and loyal to God, his pastor and his local church. He must have demonstrated his ability in teaching Sunday School, conducting public worship services, and praying and reading publicly.

Upon the recommendation of the pastor and approval of the Board of Bishops, any man who has met the above standards, and has been successfully catechized may be licensed as a local minister of this organization.

ARTICLE IV - FUNCTIONS OF OFFICERS OF THE CLERGY

Section I. Presiding Bishop

-He shall call the general Annual Convocation to order.

-He shall direct the proceedings of the general Annual Convocation according to its rules, and with the Recording Secretary, sign the minutes when sustained. With the National Secretary, sign all other documents when required.

-He shall decide all questions of order.

-He shall appoint committees with the consent of the Board of Bishops.

-He shall direct the roll to be called at the opening session.

Article IV: Section I Continued:

REFERENCE ID: 532042

-He shall be the general spokesman for the Board of Bishops.

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

shall perform all duties incidental to the office.

Section II. Assistant Presiding Bishop

The Assistant Presiding Bishop shall assist the Presiding Bishop and will assume duties of Presiding Bishop in the event the Presiding Bishop becomes unable to perform his duties because of sickness, injury, or any other reasons. In the event of the total disablement or death of the Presiding Bishop, the Assistant Presiding Bishop will become the Presiding Bishop. An Assistant Bishop shall be selected from the remaining Board members.

Section III. Chairman of the Board of Presbytery

The Chairman of the Board of Presbytery shall be directly responsible to the Board of Bishops and shall insure that the functions of the Board of Presbytery are in accordance with the guidelines set forth by the Board of Bishops. He shall act as the spokesman for the Board of Presbytery and shall preside at all Board Meetings.

Section IV. Co-Chairman of the Board of Presbytery

The Co-Chairman of the Board of Presbytery shall be directly responsible to the Chairman of the Board. He shall assist the Chairman in any way deemed necessary by the Chairman of the Board.

The Co-Chairman of the Board of Presbytery shall preside at all meetings in the absence of the Chairman. He shall function as the Chairman, in all capacities, should the Chairman become unable, for any reason, to perform his duties. In the event of total disablement or death of the Chairman, the Co-Chairman will become the Chairman of the Board of Presbytery.

ARTICLE V - THE FILLING OF VACANCIES ON THE BOARD OF BISHOPS

Section I.

Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery. In the event all members of the Board of Bishops are rendered inactive because of death or incapacitation, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Co-Chairman of the Board of Presbytery shall become the Acting Assistant Presiding Bishop.

The Acting Presiding Bishop shall immediately call a special meeting of the Board of Presbytery and shall instruct its members concerning their task of electing the Presiding Bishop, the Assistant Presiding Bishop, and member(s) of the Board of Bishops.

The Acting Presiding Bishop shall encourage the members of the Board of Presbytery to utilize the power of prayer and fasting to seek the will of God in the election of members of the Board of Bishops.

The Acting Presiding Bishop shall inform the members of the Board of Presbytery that the election of the Board of Bishops must take place within sixty (60) days of the special meeting called.

Article VI, Section I

REFERENCE ID: 532042

ARTICLE VI - CREDENTIALS

Se: Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

All members of the clergy must be properly licensed by the Board of Bishops.

Section II. All credentials shall be deemed void upon the withdrawal, the resignation or the ex-communication of the licensees.

ARTICLE VII - QUALIFICATIONS AND FUNCTIONS OF OFFICERS

Section I.

All officers must have been baptized, in accordance with Acts 2:38, and filled with the Holy Ghost in accordance with Acts 2:4. They must be of good moral character, and in good standing in the Progressive Church of Our Lord Jesus Christ, Inc.

Section II. National Secretary

The National Secretary shall be responsible for the recording of minutes of all National Meetings of the church for the filling of all general church records. He shall be responsible for the distribution of letters and all other correspondence from the Board of Bishops to all subordinate officers. He shall be responsible for the securing and safekeeping of all the organization's documents and the church's seal. He shall sign official documents with the Presiding Bishop, when necessary, in the name of the Progressive Church of Our Lord Jesus Christ, Inc., and affix the seal thereof when requested. He shall sign checks along with the National Treasurer and shall be responsible for maintaining records of all financial transactions. He shall sign all credentials and perform all duties incidental to the office of the National Secretary. The National Secretary must be bonded.

Section III. Recording Secretary

The Recording Secretary shall keep an accurate account of the proceedings of the Convocation, which shall stand as the official record when approved and shall be signed by him in Convocation with the Presiding Bishop. He shall read all papers which may be ordered to be read. He shall notify the chairman of each committee of his appointment, giving him a list of members and stating the business referred to them. He shall call the roll of ministers alphabetically at the beginning of the Annual Convocation. The Recording Secretary functions only during the Convocation.

Section IV. Corresponding Secretary

The Corresponding Secretary shall keep a record of all officers, names and addresses, attend to all official correspondence, communications, and posting of notices. (Person of high ethical standards is required because confidentiality is imperative).

Section V. National Treasurer

The National Treasurer shall receive and disburse funds according to the directions of the Board of Bishops, keep a full and accurate account of the same, and submit a written report to the general Convocation at the close of the year.

Article VIII - Section V Continued:

REFERENCE ID: 532042

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA
The National Treasurer and the National Secretary shall sign, and endorse in the name of the church all checks, check IOU's, orders for the payment of money, and pay out and dispose of same, and receipt thereof under the direction of the Board of Bishops. He shall perform all duties incidental to the office of the Treasurer. The National Treasurer must be bonded.

Section VI. Secretary of the Treasury

The Secretary of the Treasury shall keep an accurate record of all finances of the organization including a record of all income, a record of all disbursements, a record of all bank deposits, a duplicate of financial records of all auxiliary boards, departments, and committees.

ARTICLE VIII - CASES OF IMPROPER CONDUCT

Section I.

Bishops, Elders, and Pastors will be tried by the Board of Bishops. If a Bishop, Elder or Pastor shall be accused of improper conduct, the Board of Bishops shall carefully examine the case. If in the opinion of the Board of Bishops there is a reasonable ground for such an accusation, they shall prepare the proper charges. A copy of the charge shall be sent to the one charged immediately. The Board of Bishops shall assemble for trial.

The Presiding Bishop shall preside at all trials. In the case where the Presiding Bishop is being tried or is unable to perform, the Assistant Presiding Bishop shall assume the duties of Presiding Bishop at the trial.

The Board of Bishops shall have full power to try the one charged. As a result of its decision, the accused shall be exonerated or suspended from the function of his office. The National Secretary shall notify the churches of the trial results.

Pastors shall have the authority to hear and act upon charges brought against ministers in their local churches. Any minister in disagreement with the decision of his pastor, shall have the right to appeal to his District Bishop or District Elder. If still not satisfied, he shall have the right to appeal to the Board of Bishops.

ARTICLE IX - ANNUAL CONVOCATION

Section I. There shall be a general Annual Convocation of this church. The general Annual Convocation shall consist of the Governing Board of Bishops, the Board of Presbytery, ministers, deacons, and laity.

Section II. The general Convocation is the annual meeting of the organization for preaching and propagating the gospel of Jesus Christ, instructing members in the Apostles' Doctrine, fellowshiping, and transacting the financial matters.

The general Annual Convocation shall receive and allocate finances for the operation of the organization.

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

0001 - P.7

Article I 08 2020

REFERENCE ID: 532042


SECRETARY OF STATE OF SOUTH CAROLINA

ARTICLE X - AMENDMENTS AND REPEALS

Articles contained in this Constitution may be amended or
repealed as necessary when the procedures for the same are
established.

DATE COMPLETED: August 18, 1983

ELECTRONICALLY FILED - 2020 Dec 29 6:21 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

ROA 00099

Jun 08 2020
REFERENCE ID: 532042

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA
I subsequently understand and agree with the intent and
provisions of the Constitution of the Progressive Church of Our Lord Jesus
Christ, Inc. Therefore, I render my signature to show my support for the
ratification of this Constitution.

Joel G. Washington
Bishop Joel G. Washington, Sr.
Presiding Bishop

Edward Smith
Bishop Edward Smith
National Secretary

Signature of Pastors:

1. Robert Black
2. Ray Brockington
3. John Doughty
4. Paula L. Egan
5. David Solomon Johnson
6. Benjamin Macon
7. Lawrence McTadden
8. Elder Robert J. Menifee
9. Thomas J. Smith
10. James A. Stacks
11. Jeffrey J. Williams
12. Joseph D. Williams
13. William Young
- 14.
- 15.
- 16.
- 17.

EXHIBIT 2

Progressive Church of Our Lord Jesus Christ, Inc.

EXECUTIVE RESOLUTION

WHEREAS, the Progressive Church of Our Lord Jesus Christ, Incorporated, adopted an official Church Constitution on August 18, 1983; and

WHEREAS, Article III—Section III of the National Church Constitution of the Progressive Church of Our Lord Jesus Christ provides for a Board of Presbytery to assist and to advise the Board of Bishops;

NOW, THEREFORE, BE IT RESOLVED that the following persons are appointed by the Board of Bishops to serve as members of the Board of Presbytery of the Progressive Church of Our Lord Jesus Christ, Incorporated:

Elder Gerry Bailey
Elder Roy Brockington
Elder Ron Donaldson
Elder Wender Gavin
Elder Robert Mingo
Elder William E. Smith
Elder Woodrow Willingham

BE IT FURTHER RESOLVED that this resolution is adopted on July 7, 2007 and shall become effective immediately. A copy of this resolution, affixed with the seal of the church and the signatures of the above named board members, shall be filed in the archives of the National Church.

Gerry Bailey
Gerry Bailey, Board Member

Roy Brockington
Roy Brockington, Board Member

Ron Donaldson
Ron Donaldson, Board Member

Wender R. Gavin
Wender Gavin, Board Member

Robert Mingo
Robert Mingo, Board Member

William E. Smith
William E. Smith, Board Member

Woodrow Willingham
Woodrow Willingham, Board Member

Edward Smith
Edward Smith, Presiding Bishop

Ronald T. Scott
Ronald T. Scott, National Secretary

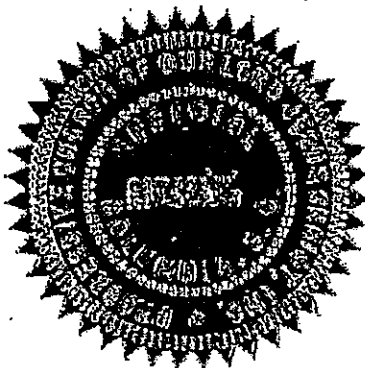


EXHIBIT 3

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) THIRD JUDICIAL CIRCUIT
 COUNTY OF LEE) 2008-CP-31-0022

Progressive Church of Our Lord,
 Jesus Christ, Inc. By the Board
 Bishops

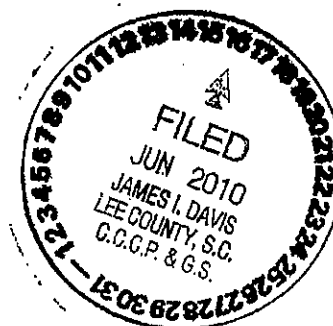
Plaintiff,

vs.

Elder Roscoe Black, Arthur Alford,
 Williams Stephens, Aquilera Black
 Antonio Black and Aderia Black
 individually and as Trustees for
 Progressive Church of Bishopville

Defendants.

ORDER FOR JUDGMENT



Attorney for Plaintiff: I.S. Leevy Johnson
 Attorney for Defendants: Louis D. Nettles

The matter came before me as Master In Equity for Lee County by a consent Order of Reference from Judge James of the Lee County Court of Common Pleas.

This is a dispute as to the ownership of church property. The Plaintiff is alleged be the Board of Bishops of The Progressive Church of Our Lord Jesus Christ, Inc. Plaintiff claims ownership on behalf of the Progressive Church of Church of Jesus Christ, Inc. The Defendants represent a church congregation now known as the Progressive Church of Bishopville, formerly the local congregation of the Progressive Church of Our Lord Jesus Christ. The Defendants claim

ownership of the funds and land because the funds came from congregation and the land was purchased by the congregation. Defendants have contested the Plaintiff's capacity to sue and claim that Plaintiff is a stranger to the disputed property.

In deciding the case, this Court is guided by the decisions of our Supreme Court. Our Court has recently clarified the law as to church disputes in this State.

We hereby explicitly reaffirm that, when resolving church dispute cases, South Carolina courts are to apply the neutral principles of law approach as approved by the Supreme Court of the *United States in Jones v. Wolf*, 443 U.S. 595, 99 S.Ct. 3020, 61 L.Ed.2d 775 (1979), and expressed by this Court in *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996).

All Saints Parish Waccamaw v. Protestant Episcopal Church in Diocese of South Carolina 385 S.C. 428, 685 S.E.2d 163 (S.C.,2009)

- (1) Courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration; (2) courts cannot avoid adjudicating rights growing out of civil law; (3) in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

Pearson v. Church of God, 325 S.C. at 53, 478 S.E.2d at 854 (1996)

Unless there are restrictions by Constitution or bylaws adopted pursuant to such constitution, prohibiting it, a congregation may sever its ties to a church body. *All Saints Parish Waccamaw v. Protestant Episcopal Church in Diocese of South Carolina* 385 S.C. 428, 685 S.E.2d 163 (S.C.,2009)

An unincorporated congregation may own real property. *Jeffery v. Ehrhardt* 210 S.C. 519, 43 S.E.2d 483 (S.C. 1947) and unless prohibited by bylaws or other restrictions has dominion over its property. *Whitmire v. Adams* 273 S.C. 453, 257 S.E.2d 160 S.C., (1979)

Churches are a sub-set of associations and may govern themselves according to such rules as they may adopt as unincorporated associations or may incorporate under applicable laws.

The testimony and evidence before this court shows that prior to 1983 various congregations styled themselves as Progressive Church of Our Lord Jesus Christ and would assemble annually to promote their mutual interests. In 1983 a corporation was created under the name Progressive Church of Our Lord Jesus Christ, Inc and a constitution was adopted. A number of pastors, including Defendant Roscoe Black, signed the Constitution on behalf of their congregations.

That constitution provided that the church would be governed by a Board of Bishops consisting of no less than 3 members (Article III, Section II). The Board of Bishops would have the power to appoint members of a Board of Presbytery. (Section III) Upon a vacancy in the Board of Bishops, the Board of Presbytery would elect new members of the Board of Bishops. (Art. V. Sec. I.) Changes to Church Legislation must be submitted to the Annual Convocation and be approved by the executive body (Art IX Section II).

Since the death of Bishop Joel Washington in April 1987, Bishop Edward Smith has been the only Bishop. In July 2007, Bishop Smith appointed additional

Bishops to the Board. The additional Bishops were not selected by the Board of Presbytery. Bishop Smith claims authority to appoint Bishops based on an August 13, 1987 resolution. Bishop Smith was the only living Bishop at the time. The Plaintiff claims that in February 1998 the Board of Presbytery adopted a resolution giving interim powers to Bishop Smith. The Constitution does not give the Board of Presbytery the power to amend the Constitution. Although he was a member of the Board of Presbytery, Rev. Black was not notified of the meeting nor did he attend. In 2008 the congregation of the Bishopville church agreed to formally disconnect from the overall church organization.

This Court makes the following findings of fact and conclusion of law based on the evidence.

FINDINGS OF FACT:

1. The is no duly elected Board of Bishops of Progressive Church of Our Lord Jesus Christ, Inc. having the minimum three members necessary to act of behalf of the Church
2. The local Bishopville congregation is an unincorporated association and is the source of the funds for the property located in Lee County.
3. There are no restrictions within the Church Canon governing the ownership of property by a local congregation.
4. The Plaintiff has a no time exercised control over the local congregation as to matters of ownership of real estate or locally raised funds.

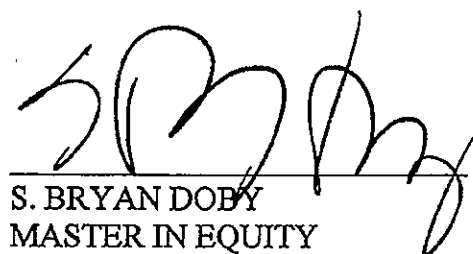
- 5 The Defendants, with the exception of Arthur Alford, are the successors and representatives of the congregation of the Bishopville congregation of Progressive Church of Our Lord Jesus Christ.

CONCLUSIONS OF LAW

1. There being no duly elected Board of Bishops there is no one with authority or standing to bring this action.
2. There are no restrictions on the ownership of real estate or other property by the local congregation.
3. The Bishopville congregation of Progressive Church of Our Lord Jesus Christ disassociated themselves from Progressive Church of Our Lord Jesus Christ, Inc. and there were no lawful restrictions on their ability to do so.

Based on the foregoing, the Complaint is dismissed and the restraining order is dissolved and IT IS

SO ORDERED


S. BRYAN DOBY
MASTER IN EQUITY

At Chambers

June 16, 2020



EXHIBIT 4

Progressive Church of Our Lord Jesus Christ v. Black

Court of Appeals of South Carolina

January 12, 2012, Heard; March 28, 2012, Filed

Unpublished Opinion No. 2012-UP-210

Reporter

2012 S.C. App. Unpub. LEXIS 278 *

Appellants.

Louis D. Nettles, of Florence, for Respondent.

Progressive Church of Our Lord Jesus Christ, Inc., by the Board of Bishops, Appellants, v. Elder Roscoe Black, Arthur Alford, Williams Stephens, Aquilera Black, Antonio Black and Aderia Black individually and as Trustees for **Progressive Church** of Bishopville, Respondents.

Judges: HUFF, PIEPER, and LOCKEMY, JJ., concur.

Opinion

Notice: THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

Prior History: [*1] Appeal From Lee County. S. Bryan Doby, Master-In-Equity.

Disposition: AFFIRMED.

Core Terms

Church, deed, neutral principles, disputed property, unincorporated, conveyance

Counsel: I.S. Leevy Johnson, William T. Toal, and Yvonne R. Murray-Boyles; all of Columbia, for

PER CURIAM: This case arises from a property dispute between Appellant **Progressive Church** of Our Lord Jesus Christ, Inc. (the **Progressive Church**), and Respondents Elder Roscoe Black, Arthur Alford, William Stephens, Aquilera Black, Antonio Black, and Aderia Black, individually and as trustees for the **Progressive Church** of Bishopville (the Bishopville Congregation). On appeal, the **Progressive Church** argues: (1) it is the owner of the disputed property; (2) it has standing to bring this suit; and (3) neutral principles of law require that it be declared owner of the disputed property. We affirm.

1. As to the ownership of the property, we apply a neutral principles of law approach and find the **Progressive Church** failed to meet its burden of demonstrating error in the trial court's determination that the Bishopville Congregation is the owner of the disputed property. See *Lewis v. Lewis*, 392 S.C. 381, 392, 709 S.E.2d 650, 655 (2011) (stating the [*2] trial court's factual findings will be affirmed unless the appellant satisfies the court that the preponderance of the evidence is against the trial court's findings); *All Saints Parish Waccamaw v. Protestant Episcopal Church in the Diocese of S.C.*, 385 S.C. 428, 445, 685 S.E.2d 163, 172 (2009) ("[W]here a civil court can completely resolve a **church** dispute on neutral principles of law, the **First Amendment** commands it to

do so."); Crystal Pines Homeowners Ass'n v. Phillips, 394 S.C. 527, 533, 716 S.E.2d 682, 685 (Ct. App. 2011) ("If the reviewing court determines a deed is ambiguous, it must interpret the deed."); K&A Acquisition Grp., LLC v. Island Pointe, LLC, 383 S.C. 563, 581, 682 S.E.2d 252, 262 (2009) ("In construing a deed, the intention of the grantor must be ascertained and effectuated, unless that intention contravenes some well settled rule of law or public policy.") (internal quotation marks omitted). Specifically, we find evidence in the record on appeal that the Bishopville Congregation was operating as an unincorporated **church** at the time of the conveyance of the deeds. See Jeffery v. Ehrhardt, 210 S.C. 519, 523, 43 S.E.2d 483, 485 (1947) (finding the conveyance of a [*3] deed to an unincorporated **church** vested clear title to its members).

2. We decline to address the remaining issues on appeal. See Futch v. McAllister Towing of Georgetown, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing that an appellate court need not address additional issues if the resolution of another issue is dispositive).

AFFIRMED.

HUFF, PIEPER, and LOCKEMY, JJ., concur.

End of Document

EXHIBIT 5

Leadership & Church Meeting – July 20, 2014

Began: approximately 6:30 p.m.

Ended: approximately 8:30 p.m.

Pastor and Speaker: Elder Ricky Finklea

Scriptures: I Timothy 5:24 and Psalm 91:4-8

1. Lawsuit and Ministerial concerns:

- Anderson lawsuit against Progressive Church
Pastor Anderson is suing the national church because they fired him. He felt that they fire him for exposing what Bishop Priester was doing with the church finances.
- Present allegations-
Two Board of Bishop members are accused of inappropriate conduct with female saints. One bishop is accused of molesting a twelve year old girl. The pastors have asked that the Board of Bishops not conduct the investigations since two members of the board are the accused. The pastors went to the Board of Bishops to address these issues. Their desire is for the Presiding Bishop to remove all of the Board of Bishop members and reestablish the board. They have given him until this Friday (July 25th) to get back with them. This past Friday, the National Church was supposed to go to court, for the Anderson lawsuit, but they were not prepared. It was postponed to August.
- Elder Finklea informed the congregation that he could not and would not serve under leadership that was not living up to the standards of the word of God. He proposed that the congregation grant him permission to separate from Progressive and rename the Church with the establishment of a Trustee Board. There will be a Trustee Board established with the following names for consideration: Elder Finklea, Minister J. Finklea, Deacon Jimmy Searson, Minister A. C. Little and Deacon Willie Glover.
- Elder Finklea stated that there would be a sign-up sheet at the front of the church after the meeting. All saints in favor of separation from Progressive Church and renaming the Church were asked to sign the petition. He stated he would leave the room after the meeting.
- He stressed the urgency of writing by-laws especially because churches were facing issues of same sex marriages.

The following were in attendance:

1. Leanna C. Harry	10. Tajuana Brown	19. Bettina Finklea
2. Marian McClam	11. Tina Boone	20. Harlean Glover
3. Carolyn Pringle	12. Andrew Little	21. Rinesha Finklea
4. Natrone Pringle	13. Louise Mahoney	22. Anna Scott
5. Ruby C. Pringle	14. Gladys Nathaniel	23. Ricky Finklea
6. Celestine Boone	15. Cora L. Baker	24. Angela Issac
7. Edward Boone	16. Elizabeth Little	25. Jimmy Searson Jr.
8. Eleese McDaniel	17. Janiece Little	26. Willie Glover
9. Stacy McCray	18. Joshua Finklea	27. Elnita Finklea

Saints & Leadership Meeting - July 20, 2014

1. Leanna C. Harty	21. Harlean Hester
2. Marion McClam	22. Rinesha Finkbe
3. Carolyn Pringle	23. Anna Scott
4. Matrone Bractley	24. Ruby Fink
5. Ruby C Pringle	25. Angela Hester
6. Celestine Boone	26. Jimmy Scarsen Jr.
7. Edward Boone	27. Willie Hester
8. Elene McDaniel	28. Elvita B. Fuller
9. Mary C. McElroy	29.
10. Tiquena Brown	30.
11. Tina Boone	31.
12. Andrea Hester	32.
13. Louise Mahoney	33.
14. Nathaniel Gladys	34.
15. Cara L. Baker	35.
16. Elizabeth Little	36.
17. Janiece Little	37.
18. Joshua Fuller	38.
19. Gottina Fuller	39.
20. Nathaniel Burns	40.

EXHIBIT 6

Praise the Lord Bishop Smith:

I have taken a week to reflect upon our conversation on April 15, 2016. I appreciate the time you took out of your schedule to speak with me. I was hoping that I would hear something that would help me reconsider the decision I made to separate from Progressive Church leadership. I heard nothing that ensured me that the issues were resolved and properly dealt with. I heard a lot about forgiveness; but in reality I do not hold anything against anyone. My main concern is I have lost hope and confidence in the leadership of the Board. It is clear and has been voiced with many different occasions and incidents that the men leading are not good examples to what they expect the brethren to be. For me personally, the leadership of the church was better under one leader verses a board. I have a local congregation that has been affected by some things that have taken place in the past which should have not happened. (I met with you on many different occasions with Bishop Johnson present). We discussed improper leadership, money issues, and improper contact with the women. I have to do what is in their best interest. We talk a lot about forgiving others, but we never talk about correcting the issues, therefore we keep encountering the same disappointments. Personally the stress and disappointment has changed my life forever. It is yet to be revealed whether it is for the better or the worse. I have viewed several documents that still leave several questions and concerns. I have enclosed some of them with this letter. One is concerning Bishop Priester changing his name. Another issue confirms large sums of money were used by him that could not be verified. Then there is a document that Bishop Williams signed confirming an executive resolution when he was not a bishop at the time. He was ordained a year later. What has happened in the past cannot be changed. But I was hoping that these major issues would be dealt with. At the present there is a lot of concern about how the case was settled with Elder Anderson. As I mentioned to you it is being stated that he was given a monetary reward to settle the case. It has also been stated by you that this is not the case. In our last conversation you stated that the bank is going after him for the loan that he took out on the church. I have enclosed a copy of a filing on the Chesterfield County web site that confirms that the debt was released on December 17, 2015. At the present I see a continuation of issues that need to be dealt with. I am in no way insinuating what you as the leader needs to do concerning these issues. I am just not able to support leadership that is not subject to what they judge others by.



Elder Ricky Finklea

April 22, 2016

EXHIBIT 7

Assessor's Endorsement
09/26/2019 10:02:53 AM

Jason H. Bayfield



D Book: 1260 Page: 1389 - 1395 1260013897 Pgs
September 25, 2019 03:40:28 PM Cons: \$0.00
Rec: \$15.00
E-FILED IN SUMTER COUNTY, SC TOTAL: \$15.00
VICKI M. MCCARTHY - REGISTER OF DEEDS SUMTER COUNTY
BY: VMM

Auditor's Endorsement
10/01/2019 10:39:22 AM

Shirley A. McIntosh

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

DEED OF REAL PROPERTY

KNOW ALL MEN BY THESE PRESENTS, THAT THIS DEED, is executed as of the 20th day of September, 2019 by PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC. (hereinafter referred to as "Grantor") to PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC. (hereinafter referred to as "Grantee"), whose mailing address is 2222-24 Barhamville Road, Columbia, South Carolina 29204.

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is a South Carolina religious non-profit corporation, incorporated on October 5, 1953, and has its corporate headquarters at 2222-24 Barhamville Road, Columbia, South Carolina, 29204; and

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is hierarchical church governed by its Board of Bishops; and

WHEREAS, on October 19, 2004, DOROTHY Z. NEAL AND HETTIE M. MCFADDEN conveyed property to Progressive Church of Our Lord Jesus Christ, Inc. by deed recorded in Deed Book 980, PAGE 37 in the Office of the Register of Deeds for Sumter County; and

WHEREAS, on August 12, 1998, HARRELSON LAND COMPANY conveyed property to The Progressive Church of Our Lord Jesus Christ, Inc., by deed recorded in Book 714, page 585 in the Office of the Register of Deeds for Sumter County; and

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is executing this deed to clarify that title to the Real Property described in EXHIBIT A is to be held in the name of Progressive Church of Our Lord Jesus Christ, Inc. and is also to be held in trust for said Progressive Church of Our Lord Jesus Christ, Inc.; and

WITNESSETH:

IN CONSIDERATION of the sum of Ten Dollars (\$10.00) the receipt and sufficiency of which is acknowledged by Grantor, Grantor has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee all right, title and interest in the following Real Property:

SEE ATTACHED EXHIBIT A

to be held in the name of Progressive Church of Our Lord Jesus Christ, Inc. in trust for said Progressive Church of Our Lord Jesus Christ, Inc.

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING RESTRICTION: The Real Property described in EXHIBIT A shall not hereafter be transferred, sold, pledged, mortgaged, or any security interest otherwise granted therein without the prior written authorization of the Board of Bishops of Progressive Church of Our Lord Jesus Christ, Inc. as evidenced by a duly adopted resolution expressly authorizing the conveyance action with the seal of Progressive Church of Our Lord Jesus Christ, Inc. affixed; which Resolution shall be attached to any such deed, mortgage or other conveyance. Any transfer, sale, pledge, mortgage, or any security interest otherwise granted contrary to this restriction shall be null and void.

TOGETHER with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto;

TO HAVE AND TO HOLD all and singular said property unto Grantee, its heirs, successors and assigns, forever, subject to existing easements and restrictions of record, including matters shown on recorded plats.

(Signatures contained on attached page.)

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed as of the day and year first above written.

Witnesses:

Name: Rose A. Braddock
 Print Name: Rose A. Braddock

Name: Raymond Williams
 Print Name: Raymond Williams

PROGRESSIVE CHURCH OF OUR LORD
 JESUS CHRIST, INC., A SOUTH
 CAROLINA CORPORATION

BY: Paul C. Johnson
 BISHOP PAUL JOHNSON,
 SECRETARY OF THE BOARD OF
 BISHOPS OF THE PROGRESSIVE
 CHURCH OF OUR LORD JESUS
 CHRIST, INC.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The foregoing instrument was acknowledged before me, Rose A. Braddock a
 notary public of the State of S.C. this 20th day of Sept., 2019 by
 Bishop Paul Johnson, Secretary of the Board of Bishops of the Progressive Church of Our Lord
 Jesus Christ, Inc. on behalf of said entity.

Rose A. Braddock
 Notary Public for South Carolina
 My Commission Expires: 5-2-2028
 [SEAL]

EXHIBIT A

Tract 1:

All that certain piece, parcel or lot of land, together with the improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated as Lot No. 20 on the plat prepared by H.S. Wilson, RLS dated September 24, 1981 and recorded in Plat Book Z-45, page 432 in the records of the Register of deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 502 North Main Street, Sumter, SC.

TMS No.: 228-04-02-072

Tract 2:

All that certain piece, parcel or lot of land, together with the improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated as Lot No. 19 on the plat prepared by H.S. Wilson, RLS dated September 24, 1981 and recorded in Plat Book Z-45, page 432 in the records of the Register of deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 504 North Main Street, Sumter, SC.

TMS No.: 228-04-02-071

Tract 3:

All that certain piece, parcel or lot of land, together with any improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated on that plat prepared by H. S. Wilson, RLS, dated August 19, 1972 and recorded in Plat Book Z-36 at page 128 in the records of the Register of Deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 508 North Main Street, Sumter, SC.

TMS No.: 228-04-02-067

The above tracts 1, 2 and 3 being the same property conveyed to Progressive Church of Our Lord Jesus Christ, Inc. by Dorothy Z. Neal and Hettie M. McFadden, dated October 19, 2004 and recorded on May 10, 2005 in Book 980, page 37 in the Office of the Register of Deeds for Sumter County.

Tract 4:

All that certain piece, parcel or lot of land, with any improvements thereon, situate, lying and being on the southwestern corner of Crescent Avenue and North Main Street in the City and County of Sumter, State of South Carolina, being shown as Parcel A on a Plat showing lots to be conveyed to the Progressive Church of Our Lord Jesus Christ, Inc. Said Parcel A is composed of lots known as 219 Crescent Avenue, being the western portion of Lots 14 and 15 and Parcel known as 516 North Main Street, being the eastern portion of the original lots 14 and 15, shown on a plat recorded in Plat Book Z-11 at page 24 and Parcel known as 512 and 514 North Main Street, Being shown as Lots A and C on a plat recorded in Plat Book G-5, page 171. Said parcels are shown together as Parcel "A" on a plat prepared for Progressive Church of Our Lord Jesus Christ by Black River Land Surveying dated August 8, 1998 and recorded in Plat Book 98 at page 940 in the Office of Sumter County Register of Deeds and said lot having the boundaries and dimensions as shown on said plat which are incorporated herein by reference.

TMS No.: 228-04-02-056

Tract 4 being the same property conveyed to The Progressive Church of Our Lord Jesus Christ, Inc. by Harrelson Land Company dated August 10, 1998 and recorded on August 12, 1998 in Book 714, page 585 in the Office of the Register of Deeds for Sumter County.

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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 properties being transferred are located on 502, 504 and 508 North Main Street and 219 Crescent Avenue, Sumter County Tax Map Numbers: 228-04-02-072, 228-04-02-071, 228-04-02-067, and 228-04-02-056 were transferred by Progressive Church of Our Lord Jesus Christ, Inc. to Progressive Church of Our Lord Jesus Christ, Inc. on September 20 2019.

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.
(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.
(c) xx exempt from the deed recording fee because (See Information section of affidavit): (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantees, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;

(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?

Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):

- (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____.
(b) _____ The fee is computed on the fair market value of the realty which is _____.
(c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes _____ or No xx to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: _____
(b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
(c) Subtract Line 6(b) from Line 6(a) and place result here: _____

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$0.

HSB 5975035 v.1

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ROA 00123

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

9. I understand that a person required to furnish this affidavit who wilfully 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.

PROGRESSIVE CHURCH OF OUR LORD
JESUS CHRIST, INC.

BY: [Signature]

Its: Secretary of Board

SWORN to and subscribed before me this
28th day of September, 2019

[Signature]

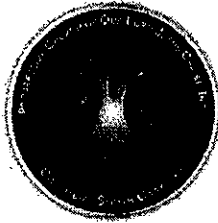
Notary Public for South Carolina

My Commission Expires: 10/08/20

Renfrew D. W. Haines

Notary (printed name):

EXHIBIT 8



PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.
2222-24 Barhamville Road
Columbia, South Carolina 29204
Phone: 803.254.6106 Fax: 803.256.0420
Email: ProgressiveChurchHQ@sc.rr.com

December 11, 2020

VIA PERSONAL DELIVERY

Elder Ricky Finklea
2135 N. Main Street
Sumter, South Carolina 29150

RE: Notice of Ecclesiastical Trial Results and Action Required

Dear Elder Finklea,

Greetings in the name of our Lord Jesus Christ. I write to you on behalf of the Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Inc. ("Progressive Church"). As you know, in 2003 the Progressive Church ordained you an Elder and appointed you as Pastor of our Sumter Congregation. We have great love for the saints in Sumter, South Carolina, some of whom have worshiped at the Progressive Church for many years.

Over the past several years, the Board of Bishops has addressed concerns regarding your failure to honor, respect, and obey the leadership of the Progressive Church. We have repeatedly addressed these concerns with you privately and publicly, according to the Word of God, and you have refused to comply. In fact, when our late Presiding Bishop Edward Smith openly rebuked you and other clergy during a national ministerial meeting, you were the only member of the clergy to angrily walk out of the meeting while disrespectfully shouting to Bishop Smith that you are "not a coward." You have continued such open disrespect and defiance, culminating with your recent placement of a new sign displaying, "New Life Apostolic Church," on property in Sumter, South Carolina owned by the Progressive Church.

Over a year ago, on December 6, 2019, the Board of Bishops conducted an Ecclesiastical Trial, according to our Church Constitution, involving several Accusations and Charges of Improper Conduct against you. Although you received documented notice of the Ecclesiastical Trial, you failed to attend as required by the Board of Bishops and provided no explanation for your absence. In accordance with the spiritual authority conferred by the Word of God in Matthew 18:18 and Romans 16:17-18 and in accordance with Article VIII, Section I of our Church Constitution, the Board of Bishops determined that reasonable grounds existed for all Accusations and Charges of Improper Conduct against you. In spite of this, we continued to prayerfully exercise patience hoping that you would repent of your actions. Unfortunately, you did not. Instead, you recently expressed that you no longer consider yourself to be a part of the Progressive Church. Accordingly, the Board of Bishops has decided that all ministerial credentials issued to you by the Progressive Church to function in any office of the clergy are revoked effective immediately.

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Letter to Elder Ricky Finklea
December 11, 2020
Page 2

By December 31, 2020, you must vacate the Progressive Church's property in Sumter, South Carolina and remove all your personal belongings. The Progressive Church paid the full purchase price for our church property in Sumter, South Carolina from the National Church Mission Fund. Your new organization, "New Life Apostolic Church, Inc.," neither has permission nor legal rights to use or occupy the Progressive Church's property. The Board of Bishops will separately communicate with saints of the Sumter Congregation about plans to continue ministry services for them at the Progressive Church in Sumter, South Carolina. We are committed to do all that is necessary to support the saints in Sumter who desire to remain faithful to the Progressive Church. The Progressive Church will also take action to remove and replace the signage you have improperly placed on its property.

We deeply regret the need for these actions. Proverbs 6:16, 19 warns us, "[t]hese six things doth the LORD hate: yea, seven are an abomination unto him ... he that soweth discord among brethren." The Progressive Church has long withheld disciplinary action while you have continued to sow seeds of discord, disrespect, and division among the clergy and the saints. Our patience has reached its end, and your actions will no longer be tolerated. You have unquestionably hindered the ministry of the Progressive Church and have distracted some from the true mission of the church, which is the saving of souls.

If you desire to remain with the Progressive Church, the Board of Bishops is open to that option and willing to discuss with you any disciplinary action and next steps it determines to be appropriate. A response from you is therefore required by **December 18, 2020** on the following options:

1. If you chose to remain with the Progressive Church, you must immediately meet with the Board of Bishops to discuss your status with the church and next steps, including any disciplinary action decided upon by the Board.
2. If you chose to continue your separate ministry as New Life Apostolic Church, Inc., you must personally vacate the Progressive Church's property in Sumter, South Carolina by December 31, 2020.

Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board's decision that you vacate the Progressive Church's property in Sumter, South Carolina by December 31, 2020.

If you have questions, you may email them to BoardofBishops@sc.rr.com.

Christ's Servant,


Bishop Paul C. Johnson
Secretary of the Board of Bishops

cc: Board of Bishops

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS

THIRD JUDICIAL CIRCUIT

Case Number: 2020-CP-43-01863

New Life Apostolic Church, Inc., and Ricky Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants and
Counterclaim Plaintiffs.

**ANSWER AND COUNTERCLAIMS OF DEFENDANTS
PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.,
BISHOP THEODORE JENKINS, SR., BISHOP LANG PRIESTER,
BISHOP DAVID S. JOHNSON, SR., AND BISHOP PAUL C. JOHNSON**

Defendants Progressive Church of Our Lord Jesus Christ, Inc. (the “Progressive Church”), Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and Bishop Paul C. Johnson (collectively, “Defendants”) by and through their undersigned counsel, answer the Complaint of Plaintiffs New Life Apostolic Church, Inc. (“NLAC”) and Ricky Finklea (“Finklea”) (collectively, Plaintiffs) and assert Counterclaims as follows:

**FOR A FIRST DEFENSE
(General Denial)**

Defendants deny each and every factual allegation of the Complaint that is not expressly admitted.

ROA 00128

PARTIES, JURISDICTION, AND VENUE

1. Answering the allegations in the first sentence of Paragraph 1, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding the establishment, incorporation, and operation of NLAC, and therefore deny them. Defendants deny all remaining allegations of Paragraph 1.

2. Answering the allegations in the first sentence of Paragraph 2, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Finklea's position within NLAC, and therefore deny them. As to the remaining allegations of Paragraph 2, Defendants admit to ordaining Finklea as an elder in the Progressive Church in 2003 and assigning Finklea to serve as pastor of the local congregation of parishioners in Sumter, South Carolina established by and governed under the authority of the Progressive Church (the "Sumter Congregation").

3. Defendants deny the allegations of Paragraph 3 and further state that Bishop Theodore Jenkins, Sr., Bishop David S. Johnson, Sr., Bishop Paul C. Johnson, and Bishop Lang Priester are the members of the governing Board of Bishops of the Progressive Church.

4. Defendants admit the allegations of Paragraph 4 regarding the real property referenced therein, hereinafter the "Sumter Property."

5. Answering the allegations of Paragraph 5, Defendants deny that the September 20, 2019 deed is an "improper deed" in any respect and deny that it "purports to convey the Property to the Progressive Church," because the Progressive Church held record, legal title to the Sumter Property referenced in Paragraph 5 long before September 20, 2019. Defendants deny any allegations inconsistent with the September 20, 2019 deed. Answering further, Defendants state

that the purpose of the September 20, 2019 deed is expressly to prevent unauthorized conveyances of the Sumter Property.

6. Answering the allegations of Paragraph 6, Defendants admit to personal jurisdiction and venue, but deny that this Court has subject matter jurisdiction over matters of ecclesiastical authority and governance of the Progressive Church.

FACTUAL ALLEGATIONS

A. The Progressive Church

7. Answering the allegations of Paragraph 7, Defendants deny that the Progressive Church is an association of Churches. Defendants admit the remaining allegations of Paragraph 7.

8. Defendants admit the allegations of Paragraph 8.

9. Defendants admit the allegations of Paragraph 9.

10. Defendants admit the allegations of Paragraph 10.

11. Answering the allegations of the first sentence of Paragraph 11, Defendants deny that the Church Constitution is silent with respect to ownership of property used by local congregations. Defendants admit the allegations of the second sentence of Paragraph 11 that the Church Constitution does not impose any trust on local congregation property. Answering further, Defendants state that a corporate purpose of the Progressive Church expressly stated in Article I, Section III of the Church Constitution is to “own, establish and maintain churches.”

12. Defendants admit the allegations of Paragraph 12.

13. Answering the allegations of the first sentence of Paragraph 13, Defendants admit that the Church Constitution provides for a Board of Bishops to govern the Progressive Church in spiritual and secular matters. Answering the allegations of the second sentence of Paragraph 13, Defendants deny that the Presiding Bishop is the chairman of the Board of Bishops, as the Church Constitution establishes no such position of “chairman of the Board of Bishops,” and the office of

ROA 00130

Presiding Bishop has expressly limited powers and authority as set forth in the Church Constitution.

14. Defendants admit the allegations of Paragraph 14.

15. Defendants admit the allegations of Paragraph 15.

16. Answering the allegations of Paragraph 16, Defendants admit that Bishop Joel. G. Washington, Sr., who was Presiding Bishop, and Bishop Edward Smith were members of the Board of Bishops at the time of the adoption of the Church Constitution. Defendants deny the remaining allegations of Paragraph 16.

17. Defendants admit the allegations of Paragraph 17.

18. Defendants deny the allegations of Paragraph 18.

19. Answering the allegations of Paragraph 19, Defendants admit that the Progressive Church's Board of Presbytery adopted a resolution, but deny the allegations of Paragraph 19 that the resolution confirmed "Bishop Smith's executive authority to operate the day-to-day operations of the Progressive Church." Defendants deny the remaining allegations of Paragraph 19.

20. Answering the allegations of Paragraph 20, Defendants deny that Bishop Smith was the "ecclesiastical and operational head of the Progressive Church" either under the Church Constitution or under the 1988 resolution. Defendants admit that Bishop Smith served in an executive role for the Progressive Church for decades as Presiding Bishop with expressly limited powers and authority as set forth in the Church Constitution, but deny that Bishop Smith ever had sole authority to act on behalf of the Progressive Church in all business and transactional matters. Defendants deny the remaining allegations of Paragraph 20.

21. Answering the allegations of Paragraph 21, Defendants admit that Bishop Smith issued an executive resolution on May 26, 2007 wherein he appointed four (4) bishops, Bishop

ROA 00131

Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and Bishop Paul C. Johnson, as members of the Board of Bishops. Defendants deny the remaining allegations of Paragraph 21.

22. Answering the allegations of Paragraph 22, Defendants admit that on July 7, 2007, Elder Gerry Bailey, Elder Roy Brockington, Elder Ron Donaldson, Elder Wender Gavin, Elder Robert Mingo, Elder William E. Smith, and Elder Woodrow Willingham were appointed as members of the Progressive Church's Board of Presbytery. Answering further, Defendants state that these aforementioned individuals were appointed as members of the Board of Presbytery by Bishop Edward Smith, Bishop Theodore Jenkins, Sr., Bishop David S. Johnson, Sr., and Bishop Lang Priester acting collectively as the Progressive Church's Board of Bishops and not solely by Bishop Smith acting in his individual capacity as Presiding Bishop. Defendants deny all remaining allegations of Paragraph 22.

23. Answering the allegations of the first sentence of Paragraph 23, Defendants deny that the group of elders appointed on July 7, 2007 has operated and functioned as the Board of Presbytery since their appointment on July 7, 2007. Answering further, Defendants state that, of the group of elders appointed by the Board of Bishops to be members of the Board of Presbytery on July 7, 2007, only Elder Roy Brockington, Elder Robert Mingo, and Elder Woodrow Willingham remain as current members of the Board of Presbytery and have faithfully and properly performed the duties of members of the Board of Presbytery. Defendants deny all remaining allegations of Paragraph 23.

24. Answering Paragraph 24, Defendants state and admit only that the June 16, 2010 Order is a matter of public record and that the documents speaks for themselves. Defendants deny

any remaining allegations of Paragraph 24 or any allegations of Paragraph 24 that are inconsistent with the June 16, 2010 Order.

25. Answering Paragraph 25, Defendants state and admit only that the June 16, 2010 Order was appealed to the South Carolina Court of Appeals, which issued an order in the appeal dated March 28, 2012. Defendants deny any remaining allegations of Paragraph 24 or any allegations of Paragraph 24 that are inconsistent with the June 16, 2010 Order.

26. Answering the allegations of Paragraph 26, Defendants admit only that following the June 16, 2010 Order, Bishop Smith continued to serve as the Presiding Bishop for the Progressive Church, until his death on November 10, 2020. Defendants deny any remaining allegations of Paragraph 24.

27. Defendants deny the allegations of Paragraph 27 and further state that all property owned by the Progressive Church and titled in its corporate name has been controlled, used, maintained, and improved under the authority of the Progressive Church.

28. Answering the allegations in the first sentence of Paragraph 28, Defendants deny the allegations stated therein. Defendants further state that the disassociations of the local congregations in Atlanta, Georgia and Florence, South Carolina, and the related dispositions of real property, occurred under terms properly discussed in advance and approved by the Board of Bishops. Defendants deny all remaining allegations of Paragraph 28.

29. Answering the allegations of Paragraph 29, Defendants admit that Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and Elder Robert Mingo conducted a proper meeting of the Progressive Church's original Board of Presbytery in February of 2019, and elected Bishop Theodore Jenkins, Sr. and Bishop Lang Priester to the Board of Bishops. Defendants also admit that in February of 2019, Bishop David S. Johnson, Sr. and Bishop

ROA 00133

Paul C. Johnson were appointed to the Board of Bishops by a resolution approved by members of the Board of Bishops, then including Bishop Edward Smith, Bishop Theodore Jenkins, Sr., and Bishop Lang Priester. Defendants further state that the meeting of the original Board of Presbytery in February of 2019 was called by Bishop Edward Smith and was conducted solely to clarify and resolve any doubts regarding the membership of the Board of Bishops arising from the 2010 Order of Judgment issued by Judge S. Bryan Doby. Defendants deny all remaining allegations of Paragraph 29.

30. Answering the allegations of Paragraph 30, Defendants admit that Bishop Edward Smith started to experience significant health problems later in 2019. Defendants deny the remaining allegations of Paragraph 30.

31. Answering the allegations of Paragraph 31, Defendants admit that Bishop Edward Smith died on November 10, 2020. Defendants deny the remaining allegations of Paragraph 31.

32. Answering the allegations of Paragraph 32, Defendants admit that some existing members of the Board of Presbytery were sent notice of their removal and removed from the Board of Presbytery, as is the prerogative of the Progressive Church's highest ecclesiastical governance authority. Defendants deny the remaining allegations of Paragraph 32.

B. The Sumter Congregation and the Property

33. Answering the allegations of Paragraph 33, Defendants deny that the Sumter congregation acquired property at the corner of Crescent Avenue and North Main Street in 1998. Answering further, Defendants state that the Progressive Church purchased this initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina in 1998 to be used as a church and the location of ministry services for the Progressive Church's Sumter, South Carolina congregation. Defendants admit that the property had previously been used a dry cleaning

business. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 33, and therefore deny them.

34. Answering the allegations of Paragraph 34, Defendants admit that Finklea began working under the guidance of Bishop David S. Johnson, Sr., who was the pastor of the Progressive Church's Sumter, South Carolina Congregation. Defendants deny the remaining allegations of Paragraph 34.

35. Answering the allegations of Paragraph 35, Defendants admit that Finklea was appointed as pastor of the Progressive Church's Sumter, South Carolina congregation. Defendants deny that Finklea's appointment as pastor of the Progressive Church's Sumter, South Carolina congregation was made solely by Bishop Smith. Defendants deny all remaining allegations of Paragraph 35.

36. Answering the allegations of Paragraph 36, Defendants admit that Dorothy Neal and Hettie McFadden conveyed properties (502, 504 and 508 North Main Street) to the Progressive Church of Our Lord Jesus Christ, Inc. whose address is: 219 Crescent Avenue, Sumter, SC 29150. Answering further, Defendants state that the Progressive Church paid, solely from its national church treasury, the sum of \$48,000 for the properties, which included land and houses. Defendants deny the remaining allegations of Paragraph 36 and any allegations inconsistent with the Affidavit of sale recorded in the Sumter County Register of Deeds Office on May 10, 2005.

C. Disassociation and Formation of a Successor Church (New Life Apostolic Church)

37. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37, and therefore deny them.

38. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38, and therefore deny them.

39. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39, and therefore deny them.

40. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40, and therefore deny them.

41. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41, and therefore deny them.

42. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42, and therefore deny them.

43. Answering the allegations of Paragraph 43, Defendants admit that NLAC is a separate and distinct entity not associated with the Progressive Church. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 43, and therefore deny them.

44. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44, and therefore deny them.

45. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45, and therefore deny them.

46. Defendants deny the allegations in Paragraph 46.

47. Answering the allegations of Paragraph 47, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 regarding NLAC occupying, maintaining, and enhancing the Sumter Property, and therefore deny them. Defendants admit that NLAC has not paid any dues or assessments to the Progressive Church. Defendants further state that Finklea paid dues or assessments to the Progressive Church, as a

pastor of the Progressive Church, after July 2014. Defendants deny all remaining allegations in Paragraph 47.

48. Answering the allegations of Paragraph 48, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore deny them.

49. Answering the allegations of Paragraph 49, Defendants admit that the Progressive Church's Board of Bishops conducted a confidential Ecclesiastical Trial according to the Progressive Church's Constitution on December 6, 2019, based on allegations of improper conduct committed by Finklea. Defendants further state that Finklea received notice of the Ecclesiastical Trial and did not attend. Defendants deny all remaining allegations in Paragraph 49.

50. Answering the allegations of Paragraph 50, Defendants admit that the Progressive Church issued a letter to Finklea dated December 11, 2020 informing Finklea of a final directive and pending ecclesiastical disciplinary action and directing Finklea and NLAC to vacate the Sumter Property. Defendants also admit that the Progressive Church's letter correctly stated that NLAC and Finklea have no permission or legal right to use or occupy the Sumter Property and that the Progressive Church would take action to remove and replace the sign placed at the Sumter Property improperly displaying information about NLAC without the permission of the Progressive Church. Defendants deny all remaining allegations of Paragraph 50 which are inconsistent with the foregoing.

51. Answering the allegations of Paragraph 51, Defendants admit only that the quoted language from the December 21, 2020 letter is correctly quoted. Defendants deny any remaining allegations of Paragraph 51.

FIRST CAUSE OF ACTION
(Declaratory Judgment)

52. Responding to Paragraph 52, Defendants repeat and reallege their answers to each and every previous paragraph of the Complaint as though fully set forth herein.

53. Answering Paragraph 53, Defendants state and admit only that the June 16, 2010 Order is a matter of public record and that the documents speaks for themselves. Defendants deny any remaining allegations of Paragraph 53 or any allegations of Paragraph 53 inconsistent with the June 16, 2010 Order.

54. Answering Paragraph 54, Defendants state and admit only that the June 16, 2010 Order is a matter of public record and that the document speaks for itself. Defendants deny any remaining allegations of Paragraph 54 or any allegations of Paragraph 54 inconsistent with the June 16, 2010 Order.

55. Defendants deny the allegations in Paragraph 55.

56. Defendants deny the allegations in Paragraph 56.

57. Defendants deny the allegations in Paragraph 57.

58. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58, and therefore deny them.

59. Answering the allegations of Paragraph 59, Defendants admit that NLAC has not paid any dues or assessments to the Progressive Church. Defendants further state that Finklea paid dues or assessments to the Progressive Church, as a pastor of the Progressive Church, after July 2014. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 59, and therefore deny them.

60. Defendants deny the allegations of Paragraph 60.

ROA 00138

61. Answering the allegations of Paragraph 61, Defendants admit that the Church Constitution does not expressly impose a trust on property used by local congregations. Defendants deny the remaining allegations in Paragraph 61.

62. Defendants deny the allegations in Paragraph 62.

SECOND CAUSE OF ACTION
(Injunctive Relief)

63. Responding to Paragraph 63, Defendants repeat and reallege their answers to each and every previous paragraph of the Complaint as though fully set forth herein.

64. Defendants deny the allegations of Paragraph 64. Defendants further state that the Progressive Church, as the true holder of legal title to the Sumter Property, has directed Plaintiffs to vacate the Sumter Property.

65. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 regarding what Plaintiffs believe, and therefore deny them.

66. Defendants deny the allegations of Paragraph 66.

67. Responding to Paragraph 67, including all subparts, Defendants deny that Plaintiffs are entitled to the relief requested therein.

THIRD CAUSE OF ACTION
(Reformation of Deeds)

68. Responding to Paragraph 68, Defendants repeat and reallege their answers to each and every previous paragraph of the Complaint as though fully set forth herein.

69. Defendants deny the allegations in Paragraph 69 and demand strict proof thereof.

70. Defendants deny the allegations of Paragraph 70.

71. Answering the allegations of Paragraph 71, Defendants admit that the Progressive Church acquired the Sumter Property for use by its Sumter Congregation. Defendants deny the remaining allegations of Paragraph 71.

72. Answering the allegations of Paragraph 72, Defendants admit that the Church Constitution imposes no trust on property used by local congregations. Defendants deny the remaining allegations of Paragraph 72.

73. Defendants deny the allegations of Paragraph 73.

74. Responding to Paragraph 74, Defendants deny that Plaintiffs are entitled to the relief requested therein.

75. Defendants deny the allegations of Paragraph 75.

76. Defendants deny the allegations of the Wherefore Paragraph and its subparts.

**FOR A SECOND DEFENSE
(Lack of Subject Matter Jurisdiction)**

77. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

78. The South Carolina Supreme Court has established the rule that civil courts must follow when adjudicating church disputes. This rule dictates that

(1) [c]ourts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration; (2) courts cannot avoid adjudicating rights growing out of civil law; (3) in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church, 421 S.C. 211, 216, 806 S.E.2d 82, 84-85 (2017) (citing *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996)).

ROA 00140

79. This Court lacks subject matter jurisdiction over Plaintiffs' claims pertaining to ecclesiastical doctrine, standards, administration, custom, operation, and governance of Defendant Progressive Church and over ecclesiastical governance decisions and appointments made by and pertaining to Defendants Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr. and Bishop Paul C. Johnson in their capacity as members of the governing Board of Bishops of the Progressive Church.

**FOR A THIRD DEFENSE
(Failure to State a Claim)**

80. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

81. The Complaint fails to state facts sufficient to constitute any cause of action as to the Defendants, and should be dismissed with prejudice pursuant to Rule 12(b)(6), SCRCPP. The South Carolina Supreme Court has held that certain "property and church governance disputes are not appropriate for resolution in the civil courts." *Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church*, 421 S.C. 211, 216, 806 S.E.2d 82, 84-85 (2017).

82. As a hierarchical church, the Progressive Church's Board of Bishops has already rendered its decision regarding the use, possession, and occupancy rights regarding the Sumter Property, finding that NLAC and Finklea have no rights to use, possess or occupy the Sumter Property. The Progressive Church's Board of Bishops has already rendered its decision rescinding and revoking the ministerial credentials and the ministry of Finklea as a part of the Progressive Church. All of Plaintiffs' claims request the Court to overturn the valid and binding ecclesiastical and secular decisions and determinations of the Progressive Church by probing deeply into the allocation of ecclesiastical power and administration within a hierarchical church in a manner

forbidden by legal precedent established by the United States Supreme Court and the South Carolina Supreme Court.

**FOR A FOURTH DEFENSE
(Standing)**

83. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

84. Plaintiffs do not have standing to assert any claims arising out of or pertaining to ecclesiastical or secular governance decisions made by the Defendants, as Plaintiffs have alleged that they are not parishioners of the Progressive Church and that they are no longer governed by the Defendants' ecclesiastical authority.

85. Plaintiffs were not in privity with any parties to the 1998 Deed, the 2004 Deed, and the 2019 Deed to the Sumter Property and therefore do not have standing to assert any claims arising from the 1998 Deed, the 2004 Deed, and the 2019 Deed or to any other deeds to properties owned by Progressive Church.

**FOR A FIFTH DEFENSE
(Dead Man's Statute)**

86. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

87. Any of Plaintiffs' claims which, in whole or in part, pertain to or rely upon any transactions or communications with the late Bishop Edward Smith and the late Bishop Joseph D. Williams, Jr., are barred by the Dead Man's Statute, S.C. Code Ann. § 19-11-20.

**FOR A SIXTH DEFENSE
(Statute of Frauds)**

88. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

ROA 00142

89. Any of Plaintiffs' claims which, in whole or in part, pertain to Plaintiffs' alleged rights of ownership, use, possession, or occupancy of the Sumter Property are barred by the Statute of Frauds, S.C. Code Ann. § 32-3-10.

**FOR A SEVENTH DEFENSE
(No Basis for Attorneys' Fees and Costs)**

90. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

91. Pursuant to applicable South Carolina law, Plaintiffs have failed to state a statutory or contractual basis for any award of attorneys' fees and costs, and therefore, Plaintiffs are not entitled to any such award.

**FOR AN EIGHTH DEFENSE
(Statute of Limitations)**

92. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

93. Plaintiff's claims are barred by any applicable statute of limitations.

**FOR A NINTH DEFENSE
(Equitable Defenses)**

94. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

95. Plaintiffs' claims are barred by all equitable doctrines available to Defendants, including, but not limited to, laches, ratification, unclean hands, waiver, condonation, consent, estoppel, and unjust enrichment.

FACTUAL ALLEGATIONS IN SUPPORT OF DEFENDANTS' COUNTERCLAIMS

96. Defendants (hereinafter "Defendants/Counterclaim Plaintiffs") incorporate their prior allegations and defenses as fully as if restated verbatim.

A. Corporate Formation and Historical Governance of the Progressive Church

97. The Progressive Church was founded in 1944 in Columbia, South Carolina, and on October 5, 1953, was incorporated under South Carolina law. The incorporating documents for the Progressive Church confirm that the Progressive Church "holds, or desires to hold, property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes."

98. The Progressive Church is a hierarchical church with its headquarters office in Columbia, South Carolina, from which it provides secular, spiritual, and ecclesiastical governance and oversight for its local church congregations in South Carolina, North Carolina, Georgia, Florida, and New York.

99. The local congregations of the Progressive Church are established by and governed under the authority of the Progressive Church and are organized as a body of churches that operate by the same faith and doctrine. The Progressive Church has operated under a governance system of hierarchical polity and has generally observed an annual ruling holy convocation since its founding.

B. The Progressive Church Constitution

100. The August 18, 1983, Church Constitution is the current and official bylaws and governing instrument of the Progressive Church.

101. Article I, Section III, of the Church Constitution states "the purpose of this organization is to teach the doctrines and beliefs of the Apostolic Faith and to *own, establish and*

maintain churches, thereby perpetuating the Progressive Church of our Lord Jesus Christ, Inc.”
(Emphasis added.)

102. Article III, Section II, of the Church Constitution expressly provides that the Board of Bishops “shall govern the church in both spiritual and secular matters” and “shall be responsible for the overall operation of the church and its financial growth and stability.” No other individuals or bodies within the Progressive Church have any such governance authority or power. The Board of Bishops serves as the governing board and highest ecclesiastical authority in the Progressive Church.

103. Article I, Section IV, of the Church Constitution provides that the Progressive Church “shall function on National, District, and Local levels.” Local congregations of the Progressive Church are not self-governed by parishioners but are governed by the Progressive Church’s Board of Bishops, according to Article III, Section II, of the Church Constitution. Pastors who serve local congregations of the Progressive Church, and who are assigned and credentialed by the Progressive Church’s Board of Bishops, are subject to removal at the ecclesiastical discretion of the Board of Bishops.

104. The current members of the Progressive Church’s Board of Bishops are Bishop Theodore Jenkins, Sr., Presiding Bishop, Bishop Paul C. Johnson, Board Secretary, Bishop David S. Johnson, Sr., and Bishop Lang Priester. The current members of the Progressive Church’s Board of Bishops are duly appointed and authorized to make governance decisions on behalf of the Progressive Church.

C. The Progressive Church’s Practice of Purchasing and Holding Church Real Property

105. In accordance with the Progressive Church’s 1953 Articles of Incorporation, and including prior to adopting its 1983 Church Constitution, the Progressive Church has, since at least

1958, purchased and titled the real property used by its local congregations as places of worship in its official corporate name: Progressive Church of Our Lord Jesus Christ, Inc.

106. The Progressive Church owns real property in some 18 counties in North Carolina, South Carolina, Georgia, and Florida. The Progressive Church's properties are titled and held in the formal corporate name of the Progressive Church of Our Lord Jesus Christ, Inc., with maintenance responsibilities and building upkeep generally attended to by parishioners of each local congregation of the Progressive Church.

D. The Progressive Church's Establishment of a Congregation in Sumter, South Carolina and Purchase of Real Property in Sumter, South Carolina

107. In 1991, upon approval by the Progressive Church and in accordance with Article I, Section IV, of the Church Constitution, Bishop David S. Johnson, Sr. established a local Progressive Church congregation in Sumter, South Carolina (the "Sumter Congregation"), as a part of the hierarchical Progressive Church.

108. The Progressive Church appointed Bishop David S. Johnson, Sr. as the initial pastor of the Sumter Congregation. Bishop David S. Johnson, Sr. served as pastor of the Sumter Congregation from 1991 through 2003 and thereafter served in an ecclesiastical supervisory capacity to the Sumter Congregation and Finklea, who succeeded Bishop David S. Johnson, Sr. as pastor of the Sumter Congregation.

109. The Sumter Congregation worshipped in rented facilities between 1991 and 1998.

110. In 1998, Bishop David S. Johnson, Sr. made a request to the Progressive Church to purchase real property at 219 Crescent Avenue in Sumter, South Carolina as a permanent place of worship for the Sumter Congregation.

111. On August 10, 1998, the Progressive Church purchased the initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina (also known as Sumter County

Tax Map Number 228-04-02-056) for a purchase price of \$59,750. The Progressive Church paid the full purchase price of \$59,750 and authorized Bishop David S. Johnson, Sr. to execute the closing documents on behalf of the Progressive Church, titling the property in the Progressive Church's corporate name, Progressive Church of Our Lord Jesus Christ, Inc.

112. At all times after its purchase in 1998, this initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina has been owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation for furtherance of the ministry of the Progressive Church. No other entity or person has been authorized by the Progressive Church to use the property at 219 Crescent Avenue in Sumter, South Carolina.

113. In or about 2002, the Progressive Church assigned Ricky Finklea to provide subordinate ministerial support to Bishop David S. Johnson, Sr. at the Sumter Congregation. In 2003, the Progressive Church ordained Finklea an "elder" and appointed Finklea to serve as pastor of the Sumter Congregation, remaining under the direct supervision of Bishop David S. Johnson, Sr.

114. In the role of pastor of the Progressive Church's Sumter Congregation, the Progressive Church's leadership expressly instructed Finklea that he served under the authority of the Progressive Church. On July 3, 2003, Finklea was required to sign, and did sign, a Ministerial Reaffirmation Statement confirming his responsibility to honor the leadership of the Progressive Church in "all things." By accepting the position of a pastor of the Progressive Church, Finklea undertook a confidential and fiduciary relationship with the Progressive Church to serve and promote its spiritual and secular mission and to conserve and safeguard its property, both real and personal.

115. On May 6, 2005, the Progressive Church purchased the additional portion of the Sumter Property located at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina (also known as Sumter County Tax Map Numbers 228-04-02-072, 228-04-02-071, and 228-04-02-067) for a purchase price of \$48,000. The Progressive Church paid the full purchase price of \$48,000 from its corporate funds and authorized Bishop David S. Johnson, Sr. and Bishop Edward Smith to execute the closing documents on behalf of the Progressive Church, titling the property in the corporation's name, Progressive Church of Our Lord Jesus Christ, Inc.

116. At all times after the purchase in 2005, the properties at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina have been owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation to further the ministry of the Progressive Church. No other entity or person has been authorized by the Progressive Church to use this property.

117. In 2007, the Progressive Church placed the Sumter Congregation in a district of the Progressive Church's local congregations directly overseen by a district bishop assigned by the Board of Bishops and ultimately governed by the Board of Bishops.

E. **Actions by Finklea and NLAC to Unlawfully Commandeer the Progressive Church's Sumter Property and to Improperly Interfere with the Progressive Church's Ecclesiastical Authority, Administration, and Religious Laws.**

118. On or before December 3, 2014, the Plaintiff Corporation, New Life Apostolic Church, Inc. ("NLAC"), was formed as a South Carolina Corporation, and filed articles of incorporation with the South Carolina Secretary of State, listing Finklea as the corporation's registered agent for service of process at his home address. Upon information and belief, Finklea is the founder and a principal officer of NLAC. Until he filed the Complaint in this action, Finklea

deliberately concealed from the Progressive Church's Board of Bishops the formation and existence of NLAC, and his personal role within NLAC.

119. According to the Complaint, "Finklea is the pastor of NLAC, a position he has held since NLAC was established in 2014." Upon information and belief, Finklea has used the Sumter Property, and other personal property of the Progressive Church, for his and the NLAC's benefit since December 3, 2014 or before, all while actively and deliberately concealing this breach of trust from the Progressive Church Board of Bishops and others within the Progressive Church.

120. On numerous occasions between December 3, 2014 and late 2020, Finklea has attended Progressive Church ecclesiastical meetings, worship services, and other events at various Progressive Church local congregations and elsewhere. When preaching at Progressive Church events, Finklea has been introduced as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and has at no time publicly disagreed with, corrected, or restated his public introduction as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina.

121. On numerous occasions between December 3, 2014 and late 2020, Finklea has attended meetings of Progressive Church clergy, both in person and virtually. All such meetings were planned and held exclusively for Progressive Church clergy to discuss matters pertaining to the ecclesiastical and secular governance of the Progressive Church. Finklea has actively participated in these clergy meetings and has frequently attempted to interfere with and disrupt the ecclesiastical governance of the Progressive Church.

122. Since December 3, 2014, Finklea has frequently used the email address "pcsumter@yahoo.com," which was created as an abbreviation to identify the local congregation

of the Progressive Church of Sumter, South Carolina, to conduct his ministerial duties associated with the Sumter Congregation of the Progressive Church.

123. In none of the aforementioned meetings of Progressive Church clergy and congregants did Finklea indicate that he was a part of NLAC and no longer a part of the Progressive Church, but rather at all times held himself out as a pastor and elder within the Progressive Church. For over five years, Finklea has actively and deliberately concealed from the Progressive Church's Board of Bishops the existence of NLAC, his role within NLAC, and NLAC's use of the Sumter Property as a ministry separate and distinct from the Progressive Church.

124. As just one particularly egregious example of Finklea's duplicity and breach of trust, on March 30, 2019, Finklea attended a meeting exclusively intended for Progressive Church clergy and participated in an individual photo shoot for all clergy of the Progressive Church, which was necessary for issuing new Progressive Church Ministerial Credentials. After the March 30, 2019 Progressive Church clergy meeting, Finklea received and accepted new Progressive Church Ministerial Credentials which pictured Finklea and identified Finklea as "an ordained minister serving the Progressive Church of Our Lord Jesus Christ, Inc. Headquarters at 2222-24 Barhamville Road Columbia, SC 29204 Expiration Date: July 1, 2020."

125. Upon information and belief, in 2019, Finklea and NLAC defaced, with black paint or other dark material, a sign located at the Sumter Property and displaying the name "Progressive Church of Our Lord Jesus Christ, Inc." (the "PC Sign"). The PC Sign was originally purchased and erected at the Progressive Church's Headquarters in Columbia, South Columbia, and later relocated to the Sumter Property, all at significant cost to the Progressive Church.

126. At some time in 2019, Finklea and NLAC installed another sign displaying New Life Apostolic Church (the "NLAC Sign") at the Sumter Property. Finklea and NLAC did not

have permission or authorization from the Progressive Church to deface or damage the PC Sign or to replace it with the NLAC Sign. The Progressive Church's Board of Bishops had no knowledge of the NLAC Sign at the time it was placed upon the Sumter Property, and has never approved the NLAC Sign to be placed upon the Sumter Property.

127. The NLAC Sign expressly violates Article I, Section II, of the Progressive Church's Constitution.

128. In or about November of 2019, the Progressive Church discovered the improper NLAC Sign placed at the Sumter Property.

129. On November 8, 2019, the Progressive Church issued to Finklea a written letter expressing concerns after learning of allegations that Finklea was using the Progressive Church's Sumter Property to operate NLAC without the permission of the Progressive Church. The November 8, 2019, letter from the Progressive Church expressly objected to the NLAC Sign erected without authorization of the Progressive Church and directed Finklea to remove the NLAC Sign by November 22, 2019. The November 8, 2019, letter also informed Finklea that failure to adhere to the ecclesiastical directives of the Board of Bishops would result in an Ecclesiastical Trial under the Church Constitution.

130. Finklea received the November 8, 2019, letter from the Progressive Church. Finklea did not abide by the directives of the Progressive Church as set forth in the November 8, 2019, letter.

131. On November 22, 2019, the Progressive Church issued to Finklea a written Notice of Ecclesiastical Trial under Article VIII, Section I, of the Church Constitution and included several "Accusations and Charges of Improper Conduct Against Elder Ricky Finklea." The November 22, 2019, letter notified Finklea that the Ecclesiastical Trial would take place on

December 6, 2019, at the Progressive Church's Headquarters in Columbia, South Carolina and expressly stated that Finklea was required to attend.

132. Finklea received the November 22, 2019, letter from the Progressive Church. Finklea did not attend the Ecclesiastical Trial on December 6, 2019, and did not provide advance notice of his absence.

133. The Progressive Church's Board of Bishops determined that Finklea was guilty of all ecclesiastical charges against him and determined that Finklea, in his capacity with NLAC, and NLAC had no right to use, possess, or occupy the Progressive Church's Sumter Property.

134. On December 14, 2019, over five years after he formed NLAC and became the pastor of NLAC, Finklea attended a meeting held at the Progressive Church's Headquarters in Columbia, South Carolina. The December 14, 2019, meeting was exclusively for pastors and elders of the Progressive Church. Finklea actively participated in the pastors and elders meeting and expressly made comments that the December 14, 2019, meeting was a private meeting exclusively for pastors and elders of the Progressive Church and, when objecting to the presence of the Progressive Church's legal counsel, Finklea stated that no one other than pastors and elders of the Progressive Church should be permitted to attend the December 14, 2019, meeting.

135. At no time during the December 14, 2019, meeting of Progressive Church pastors and elders did Finklea indicate that he was a part of NLAC. At no time during the December 14, 2019, meeting of Progressive Church pastors and elders did Finklea indicate that he was no longer a part of the Progressive Church. At all times during the December 14, 2019, meeting of Progressive Church pastors and elders, Finklea masqueraded as a pastor and elder within the Progressive Church.

136. As recently as November 21, 2020, Finklea participated in the funeral service and obsequies for the late Bishop Edward Smith at the Progressive Church Headquarters in Columbia, South Carolina. Finklea, as identified in the written funeral program and as publicly stated during the funeral service and obsequies, was introduced as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and at no time publicly disagreed with, corrected, or restated the introduction as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina.

137. On December 11, 2020, the Progressive Church issued a letter to Finklea informing him of a final directive and pending ecclesiastical disciplinary action and directing Finklea and NLAC to vacate the Sumter Property. The Progressive Church's letter correctly stated that NLAC and Finklea had no permission or legal right to use, possess, or occupy the Sumter Property and that the Progressive Church would take action to remove and replace the unauthorized NLAC Sign placed at the Sumter Property.

138. Finklea and NLAC failed to obey the directives of the Progressive Church's December 11, 2020 letter.

139. At no time prior to filing the Complaint in this action, did Finklea or NLAC express to the Progressive Church any claim or allegation that NLAC had ownership rights to the Sumter Property.

140. Finklea and NLAC's alleged claims to property rights arise from disputes over ecclesiastical administration, ecclesiastical doctrine and standards, and the ecclesiastical governance authority of the Progressive Church as raised by Finklea and NLAC.

141. Upon information and belief, Finklea has dishonestly masqueraded as both pastor of the local congregation of the Progressive Church in Sumter, South Carolina and as pastor of NLAC for an undetermined period of time, but at least since December 3, 2014.

142. Finklea and NLAC have converted bank accounts owned by the Progressive Church to bank accounts established in the name of NLAC and/or Finklea and have done so without the authorization of the Progressive Church. Any monies from these converted bank accounts rightfully belong to the Progressive Church.

143. Finklea and NLAC have converted personal property owned by the Progressive Church to NLAC and/or Finklea and have done so without the authorization of the Progressive Church. Such personal property or any proceeds from this personal property rightfully belongs to the Progressive Church.

144. In January 2021, the Progressive Church's Board of Bishops formally accepted Finklea's declaration that he has personally disassociated from the Progressive Church.

145. In January 2021, the Progressive Church's Board of Bishops revoked all ministerial credentials and licenses issued to Finklea to operate as a member of the Progressive Church clergy, in any capacity, and has notified Finklea of such revocation.

146. In January 2021, the Progressive Church's Board of Bishops rescinded Finklea's authority to operate in any capacity of ministry within the Progressive Church and has notified Finklea of such rescission.

147. By Finklea's admission, and by confirmation of the Progressive Church's Board of Bishops, Finklea is no longer a parishioner or clergyman in the Progressive Church.

**FOR A FIRST COUNTERCLAIM
(Declaratory Judgment)**

148. Each and every allegation as set forth in this Answer and Counterclaim, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

149. The South Carolina Uniform Declaratory Judgments Act provides that

[a]ny person interested under a deed, will, written contract or other writings constituting a contract or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

S.C. Code Ann. § 15-53-30.

150. Defendants/Counterclaim Plaintiffs are entitled to an order of the Court declaring that the Progressive Church, as sole holder of the record, legal title to the Sumter Property, has the unilateral authority to determine who may enter, use, or occupy its property.

**FOR A SECOND COUNTERCLAIM
(Trespass)**

151. Each and every allegation as set forth in this Answer and Counterclaim, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

152. The Progressive Church has verified real property rights, as sole holder of legal title to the properties located at 219 Crescent Avenue, and 502, 504 and 508 North Main Street in Sumter, South Carolina (also known as Sumter County Tax Map Numbers 228-04-02-072, 228-04-02-071, 228-04-02-067, and 228-04-02-056) (collectively the “Sumter Property”), and has sole authority to determine who has permission to enter, use, possess or occupy the Sumter Property.

ROA 00155

153. By admission, NLAC and Finklea currently use, possess, and occupy the Sumter Property and do so without authorization from the Progressive Church.

154. NLAC is not the successor in interest to the Sumter Congregation established by the Progressive Church and is not affiliated with the Progressive Church.

155. Plaintiffs voluntarily and intentionally retain the use and possession of the Sumter Property without permission from the Progressive Church. Finklea previously had permission to enter the Sumter Property, acting solely as pastor of the local congregation of the Progressive Church in Sumter, South Carolina. Upon Finklea's disassociation from the Progressive Church and taking actions in a capacity with NLAC and unrelated to the Progressive Church, Finklea's permission to remain upon the Sumter Property ended.

156. Although Finklea's permission to remain upon the Sumter Property has ended, Finklea has voluntarily, intentionally, and unreasonably remained upon the Sumter Property without permission and after due notice from the Progressive Church to vacate the Sumter Property.

157. Each day that Finklea and NLAC remain upon the Sumter Property without permission is a continuing and individual act of trespass under the laws of the State of South Carolina.

158. Defendants/Counterclaim Plaintiffs are entitled to an order of the Court requiring that Finklea and NLAC immediately vacate the Sumter Property and enjoining Finklea and NLAC from any further possession and control of any property of the Progressive Church, both real and personal.

**FOR A THIRD COUNTERCLAIM
(Accounting)**

159. Each and every allegation as set forth in this Counterclaim, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

160. As a pastor and elder within the Progressive Church, Finklea voluntarily and intentionally accepted a confidential and fiduciary relationship with the Progressive Church and owed fiduciary duties to the Progressive Church to exclusively serve and promote its spiritual and secular mission and to conserve and safeguard its property, both real and personal.

161. When the Progressive Church appointed Finklea as pastor of the Sumter Congregation, the Progressive Church entrusted money and other property, both real and personal to Finklea, for which Finklea has a duty to account.

162. Finklea and NLAC have failed and refused to account for the money and property, both real and personal, entrusted to Finklea in his capacity as pastor of the Sumter Congregation.

163. Defendants/Counterclaim Plaintiffs lack an adequate remedy at law and request an accounting of funds owed by Finklea and NLAC to the Progressive Church.

**FOR A FOURTH COUNTERCLAIM
(Quantum Meruit/Unjust Enrichment)**

164. Each and every allegation as set forth in this Counterclaim, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

165. By admission, Counterclaim Defendants NLAC and Finklea have possessed, used, and occupied the Sumter Property.

ROA 00157

166. By admission, NLAC and Finklea in his capacity as pastor of NLAC, are not associated with the Progressive Church and their use of the Sumter Property is not in furtherance of the secular and spiritual ministry of the Progressive Church.

167. By admission, NLAC and Finklea in his capacity as pastor of NLAC, have not paid any rents, dues, assessments or other remuneration to the Progressive Church for use of the Sumter Property.

168. The Sumter Property contains a church sanctuary, office and classroom space, storage space, and residential structures. In addition to the Progressive Church's significant financial investment to purchase the Sumter Property, the Progressive Church made other significant contributions to improve and enhance structures at the Sumter Property in the form of additional monetary donations, installation of lighting fixtures, baptistery, sanctuary furnishings, exterior signage, construction materials, and in-kind skilled and licensed labor to improve the Sumter Property. All such contributions were made solely in furtherance of the secular and spiritual ministry of the Progressive Church.

169. A significant financial and operational benefit has been conferred upon NLAC and Finklea as a result of their possession, use, and occupancy of the Sumter Property, without paying any form of rents, dues, assessments or other remuneration to the Progressive Church.

170. Retention by NLAC and Finklea of the significant benefit conferred upon them in possessing, using, occupying, and enjoying the Sumter Property without paying any form of rents, dues, assessments, or other remuneration to the Progressive Church is unjust.

171. Finklea and NLAC owe to the Progressive Church such sums as this Court deems just and proper for the valuable benefit conferred upon them during any and all periods of time

that they have possessed, used, occupied, and enjoyed the Sumter Property without authorization from the Progressive Church.

**FOR A FIFTH COUNTERCLAIM
(Constructive Trust)**

172. Each and every allegation as set forth in this Counterclaim, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

173. When Finklea accepted appointment as pastor of the Progressive Church's Sumter Congregation, he entered into a confidential and fiduciary relationship with the Progressive Church and represented that funds owned by the Progressive Church, held in its bank accounts, and entrusted to his care as pastor would be exclusively used to further the spiritual and secular ministry of the Progressive Church.

174. Finklea failed to fulfill the fiduciary duties he owed to the Progressive Church.

175. For an undetermined period of time, but at least since December 3, 2014, Finklea and NLAC have improperly held monies advanced by Counterclaim Plaintiff Progressive Church, which were to be used to further the spiritual and secular ministry of the Progressive Church.

176. Finklea and NLAC have converted bank accounts owned by the Progressive Church to bank accounts established in the name of NLAC and/or Finklea and have done so without the authorization of the Progressive Church. Any monies from these converted bank accounts, including the proceeds thereof, rightfully belong to the Progressive Church.

177. Upon information and belief, on or about December 10, 2020, Finklea and NLAC used monies, in whole or in part, rightfully owned by the Progressive Church to acquire real property located at the intersection of Pear Street and North Main Street in Sumter, South Carolina (also known as Sumter County Tax Map Numbers 228-04-02-096 and 228-04-02-034).

ROA 00159

178. Defendants/Counterclaim Plaintiffs are entitled to an order of the Court declaring that a constructive trust be imposed for the benefit of Progressive Church over the real properties at the intersection of Pear Street and North Main Street in Sumter, South Carolina, as more particularly described in Paragraph 177, and over all advantages of any type received, in money or in property, both real and personal, by Finklea and NLAC.

PRAYER FOR RELIEF

179. WHEREFORE, having fully answered the Plaintiffs' Complaint, and based on the facts alleged in Defendants' Answer and Counterclaims and the applicable law of South Carolina, Defendants pray for an order and judgment of this Court:

- (i) dismissing the Plaintiffs' claims with prejudice,
- (ii) declaring that the Progressive Church is the exclusive and sole holder of legal title to the Sumter Property;
- (iii) declaring that New Life Apostolic Church, Inc. and Ricky Finklea have no permission, contractual rights, or other legal rights to use, possess or occupy the Sumter Property;
- (iv) declaring that the Board of Bishops, the highest ecclesiastical authority of the Progressive Church, has duly rendered its ecclesiastical decision to revoke Ricky Finklea's ministerial credentials and authority to serve as part of the ministry within the Progressive Church, and that this decision of the Board of Bishops is final and binding in this matter;
- (v) declaring that real properties located at the intersection of Pear Street and North Main Street in Sumter, South Carolina (also known as Sumter County Tax Map Numbers 228-04-02-096 and 228-04-02-034) and all advantages of any type received, in money or in property, both real and personal, by Finklea and NLAC are held in a constructive trust, the beneficiary of which is the Progressive Church.
- (vi) ordering Plaintiffs Ricky Finklea and New Life Apostolic Church, Inc. to immediately vacate the Sumter Property and permanently enjoining them from further possessing and controlling any property of the Progressive Church, both real and personal;
- (vii) granting judgment against Ricky Finklea and New Life Apostolic Church, Inc. in favor of the Progressive Church for such sums as an accounting may determine and to prevent unjust enrichment;

ROA 00160

(viii) imposing a constructive trust on the real property located at the intersection of Pear Street and North Main Street in Sumter, South Carolina (Sumter County Tax Map Numbers 228-04-02-096 and 228-04-02-034) for the benefit of the Progressive Church, and

(ix) For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

By: s/James Y. Becker

James Y. Becker, Esq., (SC Bar No. 64991)

Costa M. Pleicones, Esq., (SC Bar No. 4479)

Ronald T. Scott, Esq., (SC Bar No. 107351)

Post Office Drawer 11889

Columbia, South Carolina 29211

(803) 779.3080 Tel

(803) 765.1243 Fax

jbecker@hsblawfirm.com

cpleicones@hsblawfirm.com

rscott@hsblawfirm.com

SMITH ROBINSON HOLLER

DUBOSE MORGAN, LLC

By: s/G. Murrell Smith, Jr.

G. Murrell Smith, Jr., Esq., (SC Bar No. 66263)

Post Office Box 580

Sumter, South Carolina 29151

murrell@smithrobinsonlaw.com

(803) 778-2471 Tel

(803) 778-1643 Fax

murrell@smithrobinsonlaw.com

February 2, 2021

Attorneys for Defendants/Counterclaim Plaintiffs

ROA 00161

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc. and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-43-01863

**PLAINTIFFS' ANSWER AND
AFFIRMATIVE DEFENSES TO
DEFENDANTS' COUNTERCLAIMS**

Plaintiffs, New Life Apostolic Church, Inc. ("NLAC") and Ricky Finklea ("Finklea") (hereinafter collectively referred to as "Plaintiffs"), hereby answers the Counterclaims of the Defendants (Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson) in accordance with the numbered paragraphs of Defendants' Answer and Counterclaims, as follows:

GENERAL DENIAL

Plaintiffs deny each and every factual allegation set forth by Defendants in support of Defendants' counterclaims (*i.e.*, any factual allegation contained in Paragraphs 96 through 179) that is not expressly admitted.

FACTUAL ALLEGATIONS IN SUPPORT OF DEFENDANTS' COUNTERCLAIMS

96. Each and every allegation set forth in the Complaint in this action, including but not limited to each and every factual assertion, is realleged and incorporated into this Answer as if it were repeated verbatim herein.

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97. Plaintiffs admit that the Progressive Church was founded in 1944 in Columbia, South Carolina, and was incorporated under South Carolina law on October 5, 1953. Plaintiffs lack sufficient knowledge or information to ascertain whether the quoted text in Paragraph 97 accurately reflects the “incorporating documents” for the Progressive Church, and therefore, deny this allegation in the second sentence of Paragraph 97.

98. Plaintiffs admit that the Progressive Church of Our Lord Jesus Christ is an association of churches with its headquarters in Columbia, South Carolina, and that the central office headquarters provides guidance and assistance for local congregations in South Carolina, North Carolina, Georgia, Florida, and New York. Plaintiffs deny all other allegations in Paragraph 98.

99. Plaintiffs admit that local congregations of the Progressive Church have been established with support and assistance from the Progressive Church headquarters, agree to adhere to the stated principles of the Progressive Church, and, until recently, participated in an annual convocation. Plaintiffs deny all other allegations in Paragraph 99.

100. Plaintiffs admit that on August 18, 1983, the Progressive Church adopted its Church Constitution, which was filed with the South Carolina Secretary of State’s Office, and that the Church Constitution remains the authoritative document relating to the governance of the Progressive Church. Plaintiffs deny all other allegations in Paragraph 100.

101. Article I, Section III of the Church Constitution provides: “The purpose of the organization is to teach the doctrines and beliefs of the Apostolic Faith and to own, establish and maintain churches, thereby perpetuating the Progressive Church of our Lord Jesus Christ, Inc.”

102. Article III, Section II, of the Church Constitution speaks for itself. Plaintiffs admit that the Church Constitution provides that the duly appointed Board of Bishops serves as the

governing board of the Progressive Church. Plaintiffs deny all other allegations in Paragraph 102.

103. Article I, Section IV, of the Church Constitution speaks for itself. Plaintiffs admit that pastors who serve local congregations of the Progressive Church are assigned by the Progressive Church. Plaintiffs deny all other allegations in Paragraph 103.

104. As set forth in the Complaint, Defendants Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson were not duly appointed. As such, Plaintiffs deny all the allegations in Paragraph 104.

105. Local congregations of the Progressive Church at times utilized the corporate name of “Progressive Church of Our Lord Jesus Christ, Inc.” in official documents such as deeds but this did not mean that the real property was purchased and/or owned by Progressive Church headquarters. Plaintiffs lack sufficient knowledge or information to know about purchasing and titling of real property for all local congregations in the Progressive Church. As such, Plaintiffs deny all other allegations in Paragraph 105.

106. Plaintiffs admit that the Sumter Congregation maintained and improved the Sumter Property. Plaintiffs lack sufficient knowledge or information to know about the real property for all local congregations in the Progressive Church. As such, Plaintiffs deny all of the other allegations in Paragraph 106.

107. Plaintiffs admit that the Progressive Church established a local congregation in Sumter, South Carolina. Plaintiffs deny all of the other allegations in Paragraph 107.

108. Plaintiffs admit that Bishop David S. Johnson, Sr. was the Pastor of the Sumter Congregation through 2003 and he was succeeded by Finklea. Plaintiffs also admit that appointments of Bishop Johnson and Finklea were made by the Progressive Church.

109. Plaintiffs lack sufficient knowledge or information to know the nature of the ownership of the facilities where the Sumter Congregation worshipped between 1991 and 1998, and therefore deny the allegations of Paragraph 109 on this basis.

110. Plaintiffs lack sufficient knowledge or information to answer allegations regarding a request made by Bishop Johnson in 1998, and therefore deny the allegations of Paragraph 110 on this basis.

111. Plaintiffs admit that in 1998, the Sumter Congregation acquired property at the corner of Crescent Avenue and North Main Street. Plaintiffs lack sufficient knowledge or information regarding the source of the funds used to purchase the property. The property included a twenty-five by fifty-foot building (with a post office address of 219 Crescent Avenue) that had been a dry cleaning business and was in need of significant repair. The Sumter Congregation paid for, and made, all improvements to the property without assistance from Progressive Church headquarters. Plaintiffs deny all of the other allegations in Paragraph 111.

112. Plaintiffs admit that following the purchase of the property at 219 Crescent Avenue in 1998 the Sumter Congregation, which was part of the Progressive Church, used the property for worship and ministry. Plaintiffs deny all of the other allegations in Paragraph 112.

113. Plaintiffs admit that in the early part of 2000, Finklea was sent to the Sumter Congregation by Bishop Smith to work under the guidance of David S. Johnson and three years later (2003), Bishop Smith appointed Plaintiff Finklea as the Pastor of the Sumter Congregation of the Progressive Church. Plaintiffs deny all of the other allegations in Paragraph 113.

114. Plaintiffs admit that Finklea served as pastor of the Sumter Congregation and elder in the Progressive Church. Plaintiffs are unaware of agreement or document signed by Finklea that sets forth the terms as described in Paragraph 114 and, on this basis, deny all of the other allegations in Paragraph 114.

115. Plaintiffs admit that Dorothy Neal and Hettie McFadden, in a document entitled “Title to Real Estate” and executed on October 19, 2004, conveyed property (502, 504 and 508 North Main Street) to “Progressive Church of Our Lord Jesus Christ, Inc., whose address is: 219 Crescent Avenue, Sumter, SC 29150.” Plaintiffs are informed and believe that the property was purchased for the Sumter Congregation by Bishop Smith because money was taken from the Sumter Congregation by the former pastor, David S. Johnson. Plaintiffs deny all of the other allegations in Paragraph 115.

116. Plaintiffs admit that following the purchase described in Paragraph 115 above the Sumter Congregation used, maintained, and improved the property located at 502, 504 and 508 North Main Street in Sumter, South Carolina for church purposes. Further, since its establishment in 2014, NLAC, as the successor in interest of the Sumter Congregation, has occupied, maintained, and enhanced the property located at 502, 504 and 508 North Main Street in Sumter, South Carolina. Plaintiffs deny all of the other allegations in Paragraph 116.

117. Plaintiffs admit that the Sumter Congregation was placed in a district within the Progressive Church’s overall organization and that the District Bishop who presided over the district for the Sumter Congregation was Joseph D. Williams. Plaintiffs deny all of the other allegations in Paragraph 117.

118. Plaintiffs admit that the members of the Sumter Congregation formed a successor church, New Life Apostolic Church (NLAC), which was incorporated as a nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014. Plaintiffs further admit that Finklea is listed as an agent for service for NLAC and is the pastor of NLAC. From its inception, NLAC has operated openly as a separate and distinct church that is not associated with the Progressive Church. Plaintiffs deny that Plaintiffs or Finklea have concealed the existence of NLAC, either deliberately or unintentionally.

119. Plaintiffs admit that since its establishment in 2014, NLAC has occupied, maintained, and enhanced the Sumter Property. NLAC is the rightful owner and occupant of the Sumter Property. Plaintiffs deny that Plaintiffs or Finklea have concealed the existence of NLAC, either deliberately or unintentionally. Plaintiffs deny all of the other allegations in Paragraph 119.

120. Plaintiffs admit that since the formation of NLAC Finklea has, on occasion, attended Progressive Church events and activities, including religious services, at different churches at the invitation of pastors and other church leaders. When he was introduced at these events as a pastor of a local church in Sumter, South Carolina. He was not introduced as a current member or pastor in the Progressive Church. Plaintiffs deny all of the other allegations in Paragraph 120.

121. Plaintiffs admit that since the formation of NLAC, Finklea has, on occasion, attended Progressive Church meetings at the invitation of Progressive Church pastors and other Progressive Church leaders. Plaintiffs deny all of the other allegations in Paragraph 121.

122. Plaintiffs deny all of the allegations in Paragraph 122. Finklea uses the email pcsumter@yahoo.com, which was created as an abbreviation for Power to Change New Life Ministries and Services, which was a nonprofit organization that Finklea founded in Sumter, South Carolina.

123. Plaintiffs deny all of the allegations in Paragraph 123. Finklea has stated on numerous occasions that he is the Pastor of NLAC to Progressive Church leaders. In fact, one of the Individual Defendants in this action, Theodore Jenkins, Sr. (Jenkins), met with Finklea on at least two occasions and attempted to convince Finklea to return to the Progressive Church.

124. Plaintiffs admit that Finklea attended a Progressive Church meeting at the invitation of Progressive Church pastors and other Progressive Church leaders on March 30,

2019. During the meeting, Finklea did not claim to be part of the Progressive Church or participate in a photo shoot. At the conclusion of the meeting, Defendant Jenkins handed Finklea an envelope. When Finklea returned to his home he opened the envelope to find Ministerial Credentials with an old photo of Finklea. Finklea then called Jenkins and reminded Jenkins that he was not part of the Progressive Church and then threw away the credentials that were prepared without his knowledge or approval. Plaintiffs deny all of the other allegations in Paragraph 124.

125. Plaintiffs admit that after the formation of the NLAC, Plaintiffs covered the sign at the Sumter Property that displayed the name “Progressive Church of Our Lord Jesus Christ, Inc.” because NLAC was no longer affiliated with the Progressive Church. Plaintiffs deny all of the other allegations in Paragraph 125.

126. Plaintiffs admit that NLAC installed a sign displaying the name “New Life Apostolic Church” on the Sumter Property. NLAC installed the sign on or about March 15, 2019. Plaintiffs deny all of the other allegations in Paragraph 126.

127. Plaintiffs deny all of the allegations in Paragraph 127. NLAC is not part of the Progressive Church and is therefore, not subject to the Church Constitution.

128. Plaintiffs lack sufficient knowledge or information regarding when Defendants noticed the NLAC sign on the Sumter Property, and therefore, deny the allegations in Paragraph 128 on this basis.

129. Plaintiffs admit that Finklea received a letter from Paul Johnson, dated November 8, 2019, that claimed to be from the Board of Bishops of the Progressive Church. The letter stated that: “The Board of Bishops is concerned to learn that you are conducting worship services, separate and distinct from the Progressive Church of Our Lord Jesus Christ, Inc., in Sumter, Bishopville, and Kingstree, South Carolina. Your present actions indicate that you have

elected to dis-associate yourself from the Progressive Church of Our Lord Jesus Christ, Inc.” Thus, contrary to Defendants assertions, Defendants knew that Finklea had disassociated from the Progressive Church and that the Sumter Congregation had formed a new church. The letter further stated that the “Board of Bishops” disapproved of the removal of the Progressive Church sign and addition of the NLAC sign and requested a meeting with Finklea. Finklea responded to the letter on November 14, 2019, and informed Paul Johnson that he and the other self-proclaimed “Bishops” were not duly appointed and could not act on behalf of the Progressive Church. Plaintiffs deny all of the other allegations in Paragraph 129.

130. Plaintiffs admit that they did not remove the NLAC and that Finklea did not recognize the purported authority of Paul Johnson or the other self-proclaimed “Bishops” who had not been duly appointed. Plaintiffs deny all of the other allegations in Paragraph 130.

131. Plaintiffs admit that Finklea received a letter from Paul Johnson, dated November 22, 2019, that claimed to be from the Board of Bishops of the Progressive Church. The letter stated that the “Board”, which had not been duly appointed under the Church Constitution, was going to hold an “Ecclesiastical Trial” based on alleged improper conduct of Finklea. Finklea disregarded the letter as he had already informed Paul Johnson that the actions of the Individual Defendants were not authorized or proper.

132. Plaintiffs admit that Finklea received the November 22, 2019 letter and that he did not attend any “Ecclesiastical Trial” held by the Individual Defendants. Finklea had already informed Paul Johnson that the Individual Defendants actions were unauthorized and requested that they discontinue their harassment of him.

133. Plaintiffs lack sufficient knowledge or information regarding the unauthorized “Ecclesiastical Trial” and therefore, deny the allegations in Paragraph 133 on this basis.

134. Plaintiffs admit that Finklea attended a meeting at the Progressive Church headquarters on December 14, 2019. He attended upon the request of the Chairman of the Board of Presbytery. Finklea participated in the meeting as an invited clergyman. During the meeting, Finklea questioned why lawyers were at the meeting because the presence of the lawyers seemed contrary to the meeting's purposes. Plaintiffs deny all of the other allegations in Paragraph 134.

135. Plaintiffs deny that Finklea "masqueraded" as a pastor and elder within the Progressive Church. He was invited to the meeting and those present were aware of NLAC, and his position as Pastor of NLAC. No one at the meeting asked him about his status with the Progressive Church. Plaintiffs deny all of the other allegations in Paragraph 135.

136. Plaintiffs admit that Finklea attended the funeral services of Bishop Smith on November 21, 2020 and gave a prayer during the services. The funeral service program incorrectly listed Finklea as pastor of the Sumter Congregation of the Progressive Church. Finklea did not know about the listing in program until he arrived at the church. It was a mistake but Finklea did not publicly make a statement during the funeral services because he did not want to offend Bishop Smith's family or disrupt the services. Plaintiffs deny all of the other allegations in Paragraph 136.

137. Plaintiffs admit that in a letter dated December 11, 2020, the Individual Defendants claimed ownership of the Property, allegedly on behalf of the Progressive Church, and directed Finklea to "vacate the Progressive Church's property in Sumter, South Carolina and remove all of [his] belongings." The letter was incorrect in stating that NLAC had no permission or legal right to use, possess, or occupy the Sumter Property. Plaintiffs deny all of the other allegations in Paragraph 137.

138. Plaintiffs admit that they did not vacate the Sumter Property. The reasons for NLAC's actions are described in detail in the Complaint in this action.

139. Plaintiffs openly used, maintained, and improved the Sumter Property without interference from the Progressive Church after formation of the NLAC in 2014 and notice of the disassociation was provided to Progressive Church leadership. Thus, it was unnecessary for NLAC to express claims of ownership to the Progressive Church.

140. Plaintiffs deny the allegations in Paragraph 140. Plaintiffs claims can be adjudicated using neutral principles of law applied to the governance of a religious organization.

141. Plaintiffs deny the allegations in Paragraph 141.

142. Plaintiffs deny the allegations in Paragraph 142.

143. Plaintiffs deny the allegations in Paragraph 143.

144. The Individual Defendants are not duly appointed members of the Board of Bishops for the Progressive Church. Further, Plaintiffs lack sufficient knowledge or information regarding the actions of the Defendants in January 2021. On these grounds, Plaintiffs deny the allegations in Paragraph 144.

145. The Individual Defendants are not duly appointed members of the Board of Bishops for the Progressive Church. Further, Plaintiffs lack sufficient knowledge or information regarding the actions of the Defendants in January 2021. On these grounds, Plaintiffs deny the allegations in Paragraph 145.

146. The Individual Defendants are not duly appointed members of the Board of Bishops for the Progressive Church. Further, Plaintiffs lack sufficient knowledge or information regarding the actions of the Defendants in January 2021. On these grounds, Plaintiffs deny the allegations in Paragraph 146.

147. Plaintiffs admit that Finklea disassociated from the Progressive Church and is no longer a member, pastor, or elder in the Progressive Church.

**FOR A FIRST COUNTERCLAIM
(Declaratory Judgement)**

148. Each and every allegation set forth in the Complaint in this action, including but not limited to each and every factual assertion, is realleged and incorporated into this Answer as if it were repeated verbatim herein.

149. Plaintiffs admits that Paragraph 149 includes text from S.C. Code Ann. § 15-53-30.

150. Plaintiffs deny that Defendants are entitled to the declaratory relief described in Paragraph 150.

**FOR A SECOND COUNTERCLAIM
(Trespass)**

151. Plaintiffs incorporate each and every allegation set forth in the Complaint and each and every preceding paragraph of this Answer.

152. Plaintiffs deny the allegations in Paragraph 152.

153. Plaintiffs admit that they use, possess, and occupy the Sumter Property. Plaintiffs deny that they do not have authorization to use, possess, and occupy the Sumter Property.

154. Plaintiffs deny the allegation that NLAC is not the successor in interest to the Sumter Congregation. Plaintiffs admit that NLAC is not an affiliate of the Progressive Church.

155. Plaintiffs admit that they use, possess, and occupy the Sumter Property and assert that they were authorized by Progressive Church leadership to do so. Plaintiffs deny all other allegations in Paragraph 155.

156. Plaintiff Finklea continues to use the Sumter Property, which he was authorized to do after he and the Sumter Congregation disassociated from the Progressive Church in 2014. Plaintiffs deny all other allegations in Paragraph 156.

157. Plaintiffs deny the allegations in Paragraph 157.

158. Plaintiffs deny the allegations in Paragraph 158.

**FOR A THIRD COUNTERCLAIM
(Accounting)**

159. Plaintiffs incorporate each and every allegation set forth in the Complaint and each and every preceding paragraph in this Answer.

160. Plaintiff Finklea admits that he served as a pastor and elder in the Progressive Church. Plaintiff is unaware of agreement or document, or any other binding source, that would give rise to the duties and responsibilities listed in Paragraph 160 and therefore, denies all other allegations in Paragraph 160.

161. Plaintiff Finklea was entrusted with the Sumter Congregation when he was appointed pastor. At that time, Sumter Congregation had only a few members, little money, and real property in need of improvement. Plaintiffs deny all other allegations in Paragraph 161.

162. Following the disassociation, the Progressive Church never requested an accounting. Further, the Sumter Congregation disassociated from the Progressive Church and formed a successor church, the NLAC, which did not have any obligation to provide an accounting to the Progressive Church.

163. Plaintiffs deny the allegations in Paragraph 163 as Defendants have no legal basis to request an accounting of funds from Plaintiffs.

**FOR A FOURTH COUNTERCLAIM
(Quantum Meruit/Unjust Enrichment)**

164. Plaintiffs incorporate each and every allegation set forth in the Complaint and each and every preceding paragraph in this Answer.

165. Plaintiffs admit that they use, possess, and occupy the Sumter Property.

166. Plaintiffs admit that they dissociated from the Progressive Church. Plaintiffs deny all other allegations in Paragraph 166.

167. Plaintiffs admit that as a separate church that is no longer associated with the Progressive Church. Plaintiffs further admits that they have not paid dues or assessments to the Progressive Church after the disassociation. As for rent, the Progressive Church has not requested any rent from NLAC and no rent is due as NLAC, as the successor to the Sumter Congregation, owns and occupies the Sumter Property.

168. Plaintiffs admit that the Sumter Property contains a church sanctuary office and classroom space, storage space, and residential structures. Plaintiffs lack information regarding the initial purchase of the dry cleaner that was on the Sumter Property and therefore denies the allegations relating to this purchase on this basis. Plaintiffs deny that at any time following the appointment of Finklea as pastor of the Sumter Congregation, the Progressive Church made significant contributions to improve or enhance structures at the Sumter Property and denies all other allegations in Paragraph 168.

169. Plaintiffs deny the allegations in Paragraph 169.

170. Plaintiffs deny the allegations in Paragraph 170.

171. Plaintiffs deny the allegations in Paragraph 171.

**FOR A FIFTH COUNTERCLAIM
(Constructive Trust)**

172. Plaintiffs incorporate each and every allegation set forth in the Complaint and each and every preceding paragraph in this Answer.

173. Plaintiff Finklea admits that he served as pastor of the Sumter Congregation. Plaintiff is unaware of agreement or document, or any other binding source, that would give rise to the duties and responsibilities listed in Paragraph 173 and therefore, denies all other allegations in Paragraph 173.

174. Plaintiffs deny the allegations in Paragraph 174.

175. Plaintiffs deny the allegations in Paragraph 175.

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176. Plaintiffs deny the allegations in Paragraph 176.

177. Plaintiffs admit that Finklea and NLAC purchased property located at the intersection of Pear Street and North Main Street in Sumter South Carolina. The property was purchased with monies owned by NLAC and Finklea. Plaintiffs deny all other allegations in Paragraph 177.

178. Plaintiffs deny the allegations in Paragraph 178. Defendants are not entitled to any declaration with respect to the property described in Paragraph 177.

PRAYER FOR RELIEF

179. Plaintiffs deny the Defendants are entitled to any relief based on the facts alleged in Defendants' Answer and Counterclaims and the applicable law of South Carolina.

FIRST AFFIRMATIVE DEFENSE **(Equitable Defenses)**

180. Plaintiffs incorporate each and every allegation set forth in the Complaint in this action and the prior allegations in this Answer as if they were repeated verbatim herein.

181. Defendants' counterclaims are barred by all equitable doctrines available to Plaintiffs including, but not limited to, laches, ratification, acquiescence, unclean hands, waiver, condonation, consent, estoppel, and unjust enrichment.

SECOND AFFIRMATIVE DEFENSE **(Failure to State a Claim)**

182. Plaintiffs incorporate each and every allegation set forth in the Complaint in this action and the prior allegations and defenses in this Answer as if they were repeated verbatim herein.

183. Defendants' counterclaims fail to state facts sufficient to constitute any cause of action as to the Defendants and should be dismissed with prejudice pursuant to Rule 12(b)(6), SCRCF. Defendants actions are in complete contradiction to established policies, practices, and

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express actions of the Progressive Church. Further, the Individual Defendants are not duly appointed members of the governing board of the Progressive Church and lack the authority to assert any claims on behalf of the Progressive Church.

THIRD AFFIRMATIVE DEFENSE
(Statute of Limitations)

184. Plaintiffs incorporate each and every allegation set forth in the Complaint in this action and the prior allegations and defenses in this Answer as if they were repeated verbatim herein.

185. Defendants' counterclaims are barred by any applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE
(Dead Man's Statute)

186. Plaintiffs incorporate each and every allegation set forth in the Complaint in this action and the prior allegations and defenses in this Answer as if they were repeated verbatim herein.

187. Any of Defendant's counterclaims which, in whole or in part, pertain to or rely upon any communications or transactions involving the late Bishop Edward Smith, or any other deceased leaders or members of the Progressive Church, are barred by the Dead Man's Statute, S.C. Code Ann. § 19-11-20.

Respectfully submitted,

BOYKIN & DAVIS, LLC

By: s/Peter E. Keup

Charles J. Boykin (SC Bar #65149)

Kenneth A. Davis (SC Bar #66416)

Peter E. Keup (SC Bar #78383)

P. O. Box 11844

Columbia, South Carolina 29211

ROA 00176

Telephone: 803-254-0707

Attorneys for Plaintiffs New Life Apostolic Church, Inc.
and Ricky Finklea

March 4, 2021
Columbia, South Carolina

ROA 00177

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

New Life Apostolic Church, Inc. and Ricky
Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ,
Inc., Theodore Jenkins, Sr., Lang Priestler,
David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-43-01863

PLAINTIFFS' JURY DEMAND

Plaintiffs, New Life Apostolic Church, Inc. ("NLAC") and Ricky Finklea ("Finklea") (hereinafter collectively referred to as "Plaintiffs"), hereby submit and serve this demand for a trial by jury in accordance with Rule 38 of the South Carolina Rules of Civil Procedure. This demand is made within ten days of the last pleading in the matter, the Plaintiffs' reply to Defendants' counterclaims, and made on grounds that there is a right to trial by jury for: (1) issues of fact in an action for the recovery of real property (S.C. Rules of Civ. Pro. 38(a)); and (2) Defendants' legal counterclaims and requests for monetary relief.

Respectfully submitted,

BOYKIN & DAVIS, LLC

By: s/Peter E. Keup

Charles J. Boykin (SC Bar #65149)

Kenneth A. Davis (SC Bar #66416)

Peter E. Keup (SC Bar #78383)

P. O. Box 11844

Columbia, South Carolina 29211

Telephone: 803-254-0707

Attorneys for Plaintiffs New Life Apostolic Church,
Inc. and Ricky Finklea

March 9, 2021
Columbia, South Carolina

ROA 00178

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priestler, David S. Johnson, Sr., and Paul C. Johnson,

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-43-0186

AMENDED SUMMONS

TO: DEFENDANTS PROGRESSIVE CHURCH OF OUT LORD JESUS CHRIST, INC., THEODORE JENKINS, SR., LAND PRIESTER, DAVID S. JOHNSON, SR., AND PAUL C. JOHNSON:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at their address, P.O. Box 11844, Columbia, South Carolina 29211, within 30 days after the service hereof; exclusive of the day of such service; and if you fail to answer and defend the Complaint within the time aforesaid; the Plaintiffs in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

BOYKIN & DAVIS, LLC

By: s/Peter E. Keup

Charles J. Boykin (SC Bar #65149)

Kenneth A. Davis (SC Bar #66416)

Peter E. Keup (SC Bar #78383)

P. O. Box 11844

Columbia, South Carolina 29211

Telephone: 803-254-0707

Facsimile: 803-254-5609

Attorneys for Plaintiffs

March 19, 2021

Columbia, South Carolina

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STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-43-0186

**PLAINTIFFS' AMENDED COMPLAINT
FOR DECLARATORY RELIEF,
INJUNCTIVE RELIEF, REFORMATION
OF DEEDS, AND QUANTUM
MERUIT/UNJUST ENRICHMENT**

DEMAND FOR A JURY TRIAL

Now come the Plaintiffs, who, complaining of the Defendants, would allege and show the following:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, New Life Apostolic Church, Inc. ("NLAC"), was established in July of 2014 and incorporated under South Carolina law on December 3, 2014. Prior to that time the membership of NLAC operated as an unincorporated local congregation associated with the Progressive Church of Our Lord Jesus Christ, Inc. NLAC is the successor in interest to the previously unincorporated church.

2. Plaintiff Ricky Finklea ("Finklea") is the pastor of NLAC, a position he has held since NLAC was established in 2014. Before the creation of NLAC, Finklea was an elder in the Progressive Church of Our Lord Jesus Christ, Inc., and from 2003 to 2014, he served as pastor of the Sumter congregation.

3. Defendants Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson ("Individual Defendants") are individuals who mistakenly claim to be the governing board for the Progressive Church of Our Lord Jesus Christ, Inc. (the "Progressive Church").

4. This Action involves property located at 219 Crescent Avenue, and 502, 504 and 508 North Main Street in Sumter, South Carolina, with Sumter County Tax Map Numbers 228-04-02-072, 228-04-02-071, 228-04-02-067, and 228-04-02-056 (the “Property”).

5. This Action also involves an improper deed that was executed and filed by Defendants on September 20, 2019, that purports to convey the Property to the Progressive Church, in trust, for the sum of Ten Dollars and 00/100 (\$10.00).

6. Based on the foregoing, and as more specifically set forth herein, the South Carolina Court of Common Pleas for the Third Judicial Circuit is the appropriate venue and has jurisdiction over the Parties and the subject matter of this Action.

FACTUAL ALLEGATIONS

A. The Progressive Church

7. The Progressive Church is an association of churches with its headquarters in Columbia, South Carolina. The central office headquarters in Columbia, South Carolina, provides guidance and assistance for local congregations in South Carolina, North Carolina, Georgia, Florida, and New York.

8. The Progressive Church was founded in 1944 in Columbia, South Carolina, and was incorporated under South Carolina law on October 5, 1953.

9. On August 18, 1983, the Progressive Church adopted its Church Constitution, which was filed with the South Carolina Secretary of State’s Office.

10. The Church Constitution remains the authoritative document relating to the governance of the Progressive Church.

11. The Church Constitution is silent with respect to ownership of property used by local congregations. Further, the Church Constitution does not impose any trust on local congregation property.

12. With respect to the names of local congregations, the Church Constitution, in Article I, Section II, provides:

“All Churches in this Organization Shall Bear the Name:

Progressive Church of Our Lord Jesus Christ, Inc.

beginning or ending with any other name as approved by the Board of Bishops.”

13. With respect to leadership, the Church Constitution provides for a Board of Bishops that would govern the church in spiritual and secular matters. The Presiding Bishop is the chairman of the Board of Bishops.

14. The Church Constitution contains an article, Article V, that addresses the filling of vacancies on the Board of Bishops. Article V provides:

Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery. In the event all members of the Board of Bishops are rendered inactive because of death or incapacitation, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Co-Chairman of the Board of Presbytery shall become the Acting Assistant Presiding Bishop.

The Acting Presiding Bishop shall immediately call a special meeting of the Board of Presbytery and shall instruct its members concerning their task of electing the Presiding Bishop, the Assistant Presiding Bishop, and member (s) of the Board of Bishops.

The Acting Presiding Bishop shall encourage the members of the Board of Presbytery to utilize the power of prayer and fasting to seek the will of God in the election of members of the Board of Bishops.

The Acting Presiding Bishop shall inform the members of the Board of Presbytery that the election of the Board of Bishops must take place within sixty (60) days of the special meeting called.

15. The Church Constitution also provides for a Board of Presbytery appointed by the Board of Bishops. According to the Church Constitution, the Board of Presbytery acts in an advisory capacity to the Board of Bishops, and shall, along with the Board of Bishops, consider any proposed legislation submitted to the Board of Bishops.

16. At the time of the adoption of the Church Constitution there were two (2) bishops on the Board of Bishops, Joel G. Washington, who was Presiding Bishop, and Edward Smith. There was another bishop who had previously served on the Board of Bishops, Henry J. Breakfield, but he was not active in the Church at the time of the adoption of the Church Constitution or thereafter.

17. In April of 1987, Bishop Joel G. Washington died, and Bishop Edward Smith became the Presiding Bishop of the Progressive Church.

18. In August of 1987, during the 1987 Progressive Church Convocation, the Progressive Church's Board of Presbytery issued a resolution acknowledging Bishop Smith as the Presiding Bishop and granting Bishop Smith authority to establish an Advisory Council.

19. In February of 1988, the Progressive Church's Board of Presbytery adopted another resolution confirming Bishop Smith's executive authority to operate the day-to-day operations of the Progressive Church.

20. As the ecclesiastical and operational head of the Progressive Church, and under the authority granted by the 1988 resolution, Bishop Smith served in an executive role for the Progressive Church for decades and acted on behalf of the organization in all business and transactional matters.

21. On May 26, 2007, Bishop Smith issued an executive resolution wherein he appointed four (4) bishops as an Advisory Council and called them members of the Board of

Bishops. The additional appointments included the Individual Defendants: Theodore Jenkins, Sr.; Lang Priester; David S. Johnson; and Paul C. Johnson. Plaintiffs are informed and believe that the Individual Defendants were appointed by Bishop Smith to serve in an advisory capacity to Bishop Smith.

22. On July 7, 2007, Bishop Smith, with the approval of his appointed Advisory Council, appointed the following persons to serve as the Board of Presbytery: Elder Gerry Bailey, Elder Roy Brockington, Elder Ron Donaldson, Elder Wender Gavin, Elder Robert Mingo, Elder William E. Smith, and Elder Woodrow Willingham.

23. The group of elders appointed on July 7, 2007, to the Board of Presbytery has operated and functioned as the Board of Presbytery since their appointment on July 7, 2007. This includes holding meetings, conducting elections, and proposing changes regarding Church policy.

24. On June 16, 2010, in the South Carolina Court of Common Pleas, Third Judicial District, Judge S. Bryan Doby issued an Order for Judgment finding that a local congregation of Progressive Church in Bishopville, and not the national Progressive Church, owned its church property. The Order of Judgment based this conclusion on the facts that: the local congregation was the source of the funds for the property; there were no restrictions in the Church Constitution governing the ownership of property by a local congregation; and the national Progressive Church “a[t] no time exercised control over the local congregation as to matters of ownership or real estate or locally raised funds.” The Order of Judgment also included a finding that Bishop Smith’s appointment of the additional bishops did not constitute appointments to the governing board because the appointments were not made in accordance with the Church Constitution (*i.e.*, the additional bishops were not selected by the Board of Presbytery).

25. The Progressive Church, by the alleged “Board of Bishops”, which included the improperly appointed bishops, appealed the Order of Judgment to the South Carolina Court of Appeals, and on March 28, 2012, the Court of Appeals affirmed Judge Doby’s Order of Judgment.

26. Following the issuance of the Order of Judgment, and consistent with his actions in the prior two (2) decades, Bishop Smith served in an executive role for the organization and acted on behalf of the organization in all business and transactional matters.

27. During the time that Bishop Smith led the Progressive Church, the association between the national organization and local congregations was voluntary. Further, local congregation property was controlled, used, maintained, and improved by the local congregations without interference from the national organization.

28. Following the Order of Judgment in 2010 and until 2019, the Progressive Church did not assert ownership or control over local congregation church property. Further, local congregations in Atlanta, Georgia, and in Florence, South Carolina, disassociated from the Progressive Church and formed successor churches that maintained the use and control of local church property.

29. In February of 2019, four (4) members of the Progressive Church met claiming to hold a meeting of the Board of Presbytery. The four (4) members were Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Robert Mingo. However, only one (1) of them, Robert Mingo, was actually a member of the Board of Presbytery at the time of the meeting in February of 2019. Nevertheless, at this meeting, the four (4) purported members of the Board of Presbytery invoked Article V of the Church Constitution and voted to elect two (2) of them, Theodore Jenkins, Sr., and Lang Priester, to the Board of Bishops. That same day, the “newly

elected” Board of Bishops adopted a resolution appointing an additional two (2) members, David S. Johnson, Sr., and Paul C. Johnson, to serve on the Board of Bishops.

30. Later in 2019, Bishop Edward Smith started to experience significant health problems. The Individual Defendants, who were not appropriately appointed, took advantage of Bishop Smith’s failing health, and began to assert control of the Progressive Church and to change the way the association of churches operated. Among other things, Defendants began to take action to claim ownership and dominion over local congregation property, including the property of congregations who had previously disassociated from the Progressive Church.

31. On November 10, 2020, Bishop Edward Smith died, leaving no Presiding Bishop and no active Board who were duly appointed under the Church Constitution adopted in 1985.

32. Following Bishop Smith’s death, the Individual Defendants stepped up their efforts to control local congregations and to prevent challenges to their claims of being a duly appointed governing board. Among other things, they sent out notices to existing members of Board of Presbytery to notify them that they were being removed from the Board of Presbytery. This was done so that the Individual Defendants could clear the way for members that would be hand-picked by the Individual Defendants to support their unauthorized assumption of control at the national and local levels of the Progressive Church. None of the actions of the Individual Defendants were authorized by the Church Constitution or approved by the associated churches.

B. The Sumter Congregation and the Property

33. In 1998, the Sumter congregation acquired property at the corner of Crescent Avenue and North Main Street. The Property included a 25-by-50-foot building (with a post office address of 219 Crescent Avenue) that had been a dry cleaning business, and following the purchase, was used as a church by the Sumter congregation.

34. In the early part of 2000, Finklea was sent to the Sumter congregation by Bishop Smith to work under the guidance of David S. Johnson. At that time, the congregation had only three (3) members.

35. Three (3) years later (2003), Bishop Smith appointed Finklea as the Pastor of the Sumter congregation of the Progressive Church.

36. In 2004, two (2) individuals, Dorothy Neal and Hettie McFadden, granted property (502, 504 and 508 North Main Street) for the sum of Five Dollars and 00/100 (\$5.00), to "Progressive Church of Our Lord Jesus Christ, Inc., whose address is: 219 Crescent Avenue, Sumter, SC 29150." The Property included two (2) houses that were in need of significant repair.

C. Disassociation and Formation of a Successor Church (New Life Apostolic Church)

37. Following the unconstitutional appointments of the Individual Defendants in 2007, Finklea and the Sumter congregation became concerned about the leadership of the Progressive Church and the actions of the Individual Defendants and others in leadership positions within the Progressive Church. Among other things, there were several accusations made regarding improprieties involving church funds and improper relationships.

38. By 2014, Plaintiffs believed that there were Elders and Bishops within the Progressive Church who were not living by the standards professed by the Progressive Church. As a result, Finklea spoke to Bishop Smith and raised the concerns of his congregation regarding the actions of men in leadership positions within the Progressive Church. However, his discussions with Bishop Smith did not lead to resolution of the concerns.

39. On July 20, 2014, Finklea held a meeting for the Sumter congregation. At that time, there were approximately 30 members in the congregation. During the meeting, the members of the congregation discussed the concerns relating to the leadership of the Progressive

Church. Finklea informed the congregation that he was departing from the leadership of the Progressive Church. He then offered the congregation the option of disassociating from the Progressive Church and left the meeting so that the congregation members could consider and decide whether to disassociate.

40. The overwhelming majority of the congregation (over 90%) elected to disassociate from the Progressive Church.

41. Finklea informed the District Bishop who presided over the district for the Sumter congregation, Joseph D. Williams, of the Sumter congregation's decision to disassociate from the Progressive Church. Bishop Williams stated he understood the decision.

42. Bishop Williams informed Bishop Smith, who was the Presiding Bishop of the Progressive Church at the time, of the disassociation.

43. Thereafter, the members of the Sumter congregation formed a successor church, NLAC, which was incorporated as a nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014. From its inception, NLAC has operated openly as a separate and distinct church that is not associated with the Progressive Church.

44. On April 15, 2016, Bishop Smith met with Finklea to discuss the disassociation of the Sumter congregation and the successor church. They discussed the reasons for the separation and Bishop Smith requested that the Sumter congregation reconsider its decision. Finklea requested some time for the Sumter congregation to consider Bishop Smith's request.

45. On April 22, 2016, Finklea met again with Bishop Smith and informed him that the Sumter congregation's decision to disassociate from the Progressive Church was final. Bishop Smith accepted the decision and encouraged Finklea to remain faithful to the word of God.

46. Until the recent actions of the Individual Defendants, at no time following the disassociation did Bishop Smith or anyone else associated with the Progressive Church object to, or raise any concerns about, NLAC operating and conducting church activities on the Property.

47. Since its establishment in 2014, NLAC has occupied, maintained, and enhanced the Property without interference from the Progressive Church. In addition, NLAC has not paid any dues or assessments to the Progressive Church.

48. Further, since its establishment in 2014, NLAC has grown from 30 members to over 100 members. NLAC has significantly improved the Property, the church, and the houses on the Property, which has included renovations to the church and houses and the construction of an addition to the building located at 219 Crescent Avenue. These improvements have been financed and completed by NLAC and its membership with no contributions from the Progressive Church.

49. Empowered by the health issues of Bishop Smith, the Individual Defendants held an “Ecclesiastical Trial” on December 6, 2019, to consider “allegations” regarding Finklea even though Finklea was no longer a member of the Progressive Church. The Individual Defendants concluded at the trial, without Finklea being present to defend himself, that Finklea had committed “improper conduct”.

50. Then, following the death of Bishop Smith on November 10, 2020, the Individual Defendants decided to take further action against the Plaintiffs. In a letter dated December 11, 2020, the Individual Defendants claimed ownership of the Property, allegedly on behalf of the Progressive Church, and objected to a sign on the Property that displayed, “New Life Apostolic Church”. The letter discussed the Ecclesiastical Trial of December 6, 2019, and directed Finklea to “vacate the Progressive Church’s property in Sumter, South Carolina and remove all of [his]

belongings.” The letter claims that NLAC has no permission or legal right to use or occupy the property and that the “Progressive Church will also take action to remove and replace the [NLAC] signage.”

51. The December 11, 2020, letter to Finklea concludes with the following threat: “Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board’s decision that you vacate the Progressive Church’s property in Sumter, South Carolina by December 31, 2020.”

FIRST CAUSE OF ACTION
(Declaratory Judgment)

52. Each and every allegation as set forth in this Amended Complaint, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

53. As forth in the Order of Judge S. Bryan Doby of the South Carolina Court of Common Pleas, Third Judicial District, Bishop Smith’s appointment of additional bishops in 2007 did not constitute appointments to the Church’s governing board because the appointments were not made in accordance with the Church Constitution.

54. The Order of Judgment also found with respect to the property at issue in the case that: the local congregation was the source of the funds for the property; there were no restrictions in the Church Constitution governing the ownership of property by a local congregation; and the national Progressive Church “a[t] no time exercised control over the local congregation as to matters of ownership or real estate or locally raised funds.”

55. The appointments of the Individual Defendants to the Board of Bishops in February of 2019 were also ineffective because the appointments were not made in accordance with the Church Constitution. The Individual Defendants were not members of the Board of

Presbytery at the time of the appointments. Further, the appointments were not made at a duly called or held meeting of the Board of Presbytery.

56. All appropriately appointed members of the Board of Bishops have been rendered inactive because of death. Therefore, pursuant to the Church Constitution, Article V, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Co-Chairman of the Board of Presbytery shall become the Acting Assistant Presiding Bishop and the Board of Presbytery shall elect a new Board of Bishops.

57. As such, the Individual Defendants do not represent the governing body of the Progressive Church and cannot take actions on behalf of the Progressive Church. Specifically, the Individual Defendants cannot execute or record a deed on behalf of the Progressive Church and have no authority to remove Plaintiffs from the Property.

58. In 2014, the members of the Sumter congregation disassociated from the Progressive Church and notified the Progressive Church of the decision to disassociate. Later in 2014, the members of the Sumter congregation formed and incorporated a successor church, NLAC.

59. From July 2014 to the present, Plaintiffs have operated openly as NLAC and have not paid any dues or assessments to the Progressive Church. In addition, during this time Plaintiffs have used, maintained, and made improvements to the Property.

60. Further, the Progressive Church, through its Presiding Bishop (and only duly appointed member of its Board) acknowledged the disassociation and did not object to, or in any way interfere with, NLAC's use and control of the Property.

61. Under the Church Constitution, no trust is imposed on any property used by local congregations. Further, as evidenced by the Progressive Church's practices since the Order of

Judgment, if a local congregation disassociates, the property used by the congregation goes with the congregation.

62. Therefore, Plaintiffs are entitled to a declaratory judgment that: (1) the Individual Defendants are not the governing board of the Progressive Church and have no authority to take action on behalf of the Progressive Church; (2) the procedures in Article V of the Church Constitution shall be used for filling the vacancies on the Progressive Church's Board of Bishops or, in the alternative, the Board of Bishops shall be determined by the Progressive Church membership at a Convocation; (3) the deed for the Property recorded by the Individual Defendants on September 20, 2019 ("2019 Deed") is invalid; (4) NLAC is the successor in interest of the Sumter congregation of the Progressive Church with respect to the Property; and (5) NLAC has rightful possession of the Property and cannot be evicted or otherwise removed from the Property by the Individual Defendants.

SECOND CAUSE OF ACTION
(Injunctive Relief)

63. Each and every allegation as set forth in this Amended Complaint, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

64. The Individual Defendants have directed Plaintiffs to vacate the Property, which would drastically impede the functioning and operations of NLAC and the ability of the NLAC congregation to meet and conduct its religious and social activities. Essentially, the Individual Defendants are attempting to shut NLAC down by preventing NLAC from using its church property.

65. Plaintiffs believe that injunctive relief is necessary to remedy the Defendants' conduct and to prevent future injury and harm resulting from acts by Defendants that are

intended to impede the proper functioning of NLAC and NLAC's operations and use of the Property.

66. Plaintiffs have no adequate remedy at law for the above-described acts of the Defendants and Plaintiffs will suffer irreparable harm unless they obtain injunctive relief requiring Defendants to refrain from taking any action with respect to NLAC, its membership, or the Property.

67. Therefore, Plaintiffs seek preliminary and permanent injunctive relief from this Court as follows:

- (a) To issue an injunction and/or writ of mandamus requiring the Defendants to cease and desist from taking any actions on behalf of the Progressive Church, including any actions relating to the operations of NLAC, NLAC's Pastor, or related to the ownership or use of the Property; and
- (b) For such other and further injunctive relief as this Court may deem just and proper.

THIRD CAUSE OF ACTION
(Reformation of Deeds)

68. Each and every allegation as set forth in this Amended Complaint, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

69. The Sumter congregation acquired the Property by Deeds executed in 1998 and 2004.

70. In 2014, the Sumter congregation disassociated from the Progressive Church and formed a successor church, NLAC.

71. The Property was acquired for the use of the Sumter congregation. Further, the Sumter congregation, and NLAC, have exclusively used, improved, and maintained the property since the Property was acquired.

72. Under the Church Constitution, no trust is imposed on any property used by local congregations. If a local congregation disassociates, the property used by the congregations goes with the congregation.

73. Accordingly, NLAC is now the owner of the Property.

74. Plaintiffs seek to reform the 1998 and 2004 Deeds so that they reflect that NLAC is the owner of the Property.

75. Without this reformation, Plaintiffs will sustain irreparable harm and prejudice and be subjected to continued reckless, willful, and wanton actions such as those of the Defendants when they filed a false and invalid deed in September of 2019.

FOURTH CAUSE OF ACTION
(Quantum Meruit/Unjust Enrichment)
(Alternative Claim to Prior Causes of Action)

76. Each and every allegation as set forth in this Amended Complaint, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

77. The Property was acquired by, and for the use of, the Sumter congregation and possession of the Property passed to the successor church (NLAC), when the Sumter congregation disassociated from the Progressive Church in July of 2014.

78. Since that time, it is undisputed that Plaintiffs have exclusively used, improved, and maintained the Property.

79. The Progressive Church, through the District Bishop and the Presiding Bishop (and only duly appointed member of its Board) acknowledged the disassociation and did not object to, or in any way interfere with, NLAC's use, control, or improvement of the Property.

80. Under the Church Constitution, no trust is imposed on any property used by local congregations. Further, as evidenced by past practices of the Progressive Church, when a local congregation disassociates, the property used by the congregation is then used by the successor church without interference from the Progressive Church.

81. The Property contains a church and a residential structure.

82. Since July of 2014 Plaintiffs have made significant contributions to improve and enhance the structures at the Property. These contributions included, but are not limited to, renovations to the residential structure on the property that included new heat and air, flooring and plumbing. The contributions also included renovations to the church, including, but not limited to, new heat and air, new electrical wiring, new carpet, wall and ceiling repairs, a new sound system, new seating, and new lighting.

83. If the Progressive Church is deemed to be the owner of the Property in this or any other action, the Progressive Church would receive a significant financial and operational benefit as a result of the Property maintenance and improvements made by Plaintiffs since July of 2014.

84. Retention by the Progressive Church of the significant benefit conferred upon it due to the significant financial investment in the Property by the Plaintiffs is unjust.

85. The Progressive Church, if deemed the owner of the Property, would therefore owe to the Plaintiffs such sums as this Court deems just and proper for the valuable benefit conferred upon the Progressive Church as a result of the maintenance performed, and significant improvements made, by the Plaintiffs to the Property.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs requests the following relief:

- a. For an Order from the Court granting Plaintiffs' request for declaratory judgment as set forth in the First Cause of Action herein;
- b. For preliminary and permanent injunctions against the Defendants as set forth in the Second Cause of Action herein;
- c. For an Order from the Court that reforms the 1998 and 2004 Deeds as set forth in the Third Cause of Action herein to designate NLAC as the owner of the Property;
- d. For attorney's fees and costs, and recoverable expenses in this action; and
- e. For such other relief as the Court may deem just and proper.

Plaintiffs further demand a jury trial with respect to all issues so triable in accordance with Rule 38 of the South Carolina Rules of Civil Procedure.

Respectfully submitted,

BOYKIN & DAVIS, LLC

By: s/Peter E. Keup

Charles J. Boykin (SC Bar #65149)
Kenneth A. Davis (SC Bar #66416)
Peter E. Keup (SC Bar #78383)

P. O. Box 11844
Columbia, South Carolina 29211
Telephone: 803-254-0707
Facsimile: 803-254-5609

Attorneys for Plaintiffs

March 19, 2021
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Case Number: 2020-CP-43-01863

New Life Apostolic Church, Inc., and Ricky
Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ,
Inc., Theodore Jenkins, Sr., Lang Priester,
David S. Johnson, Sr., and Paul C. Johnson

Defendants and
Counterclaim Plaintiffs.

**DEFENDANTS PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.,
BISHOP THEODORE JENKINS, SR., BISHOP LANG PRIESTER,
BISHOP DAVID S. JOHNSON, SR., AND BISHOP PAUL C. JOHNSON
ANSWER AND COUNTERCLAIMS TO AMENDED COMPLAINT**

Defendants Progressive Church of Our Lord Jesus Christ, Inc. (the “Progressive Church”), Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and Bishop Paul C. Johnson (collectively, “Defendants”) by and through their undersigned counsel, answer the Amended Complaint of Plaintiffs New Life Apostolic Church, Inc. (“NLAC”) and Ricky Finklea (“Finklea”) (collectively, Plaintiffs) and assert Counterclaims as follows:

**FOR A FIRST DEFENSE
(General Denial)**

Defendants deny each and every factual allegation of the Amended Complaint that is not expressly admitted.

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PARTIES, JURISDICTION, AND VENUE

1. Answering the allegations in the first sentence of Paragraph 1, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding the establishment, incorporation, and operation of NLAC, and therefore deny them. Defendants deny all remaining allegations of Paragraph 1.

2. Answering the allegations in the first sentence of Paragraph 2, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Finklea's position within NLAC, and therefore deny them. As to the remaining allegations of Paragraph 2, Defendants admit to ordaining Finklea as an elder in the Progressive Church in 2003 and assigning Finklea to serve as pastor of the local congregation of parishioners in Sumter, South Carolina established by and governed under the authority of the Progressive Church (the "Sumter Congregation").

3. Defendants deny the allegations of Paragraph 3 and further state that Bishop Theodore Jenkins, Sr., Bishop David S. Johnson, Sr., Bishop Paul C. Johnson, and Bishop Lang Priester are the members of the governing Board of Bishops of the Progressive Church.

4. Defendants admit the allegations of Paragraph 4 regarding the real property referenced therein, hereinafter the "Sumter Property."

5. Answering the allegations of Paragraph 5, Defendants deny that the September 20, 2019 deed is an "improper deed" in any respect and deny that it "purports to convey the Property to the Progressive Church," because the Progressive Church held record, legal title to the Sumter Property referenced in Paragraph 5 long before September 20, 2019. Defendants deny any allegations inconsistent with the September 20, 2019 deed. Answering further, Defendants state

that the purpose of the September 20, 2019 deed is expressly to prevent unauthorized conveyances of the Sumter Property.

6. Answering the allegations of Paragraph 6, Defendants admit to personal jurisdiction and venue, but deny that this Court has subject matter jurisdiction over matters of ecclesiastical authority and governance of the Progressive Church.

FACTUAL ALLEGATIONS

A. The Progressive Church

7. Answering the allegations of Paragraph 7, Defendants deny that the Progressive Church is an association of Churches. Defendants admit the remaining allegations of Paragraph 7.

8. Defendants admit the allegations of Paragraph 8.

9. Defendants admit the allegations of Paragraph 9.

10. Defendants admit the allegations of Paragraph 10.

11. Answering the allegations of the first sentence of Paragraph 11, Defendants deny that the Church Constitution is silent with respect to ownership of property used by local congregations. Defendants admit the allegations of the second sentence of Paragraph 11 that the Church Constitution does not impose any trust on local congregation property. Answering further, Defendants state that a corporate purpose of the Progressive Church expressly stated in Article I, Section III of the Church Constitution is to “own, establish and maintain churches.”

12. Defendants admit the allegations of Paragraph 12.

13. Answering the allegations of the first sentence of Paragraph 13, Defendants admit that the Church Constitution provides for a Board of Bishops to govern the Progressive Church in spiritual and secular matters. Answering the allegations of the second sentence of Paragraph 13, Defendants deny that the Presiding Bishop is the chairman of the Board of Bishops, as the Church Constitution establishes no such position of “chairman of the Board of Bishops,” and the office of

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Presiding Bishop has expressly limited powers and authority as set forth in the Church Constitution.

14. Defendants admit the allegations of Paragraph 14.

15. Defendants admit the allegations of Paragraph 15.

16. Answering the allegations of Paragraph 16, Defendants admit that Bishop Joel. G. Washington, Sr., who was Presiding Bishop, and Bishop Edward Smith were members of the Board of Bishops at the time of the adoption of the Church Constitution. Defendants deny the remaining allegations of Paragraph 16.

17. Defendants admit the allegations of Paragraph 17.

18. Defendants deny the allegations of Paragraph 18.

19. Answering the allegations of Paragraph 19, Defendants admit that the Progressive Church's Board of Presbytery adopted a resolution, but deny the allegations of Paragraph 19 that the resolution confirmed "Bishop Smith's executive authority to operate the day-to-day operations of the Progressive Church." Defendants deny the remaining allegations of Paragraph 19.

20. Answering the allegations of Paragraph 20, Defendants deny that Bishop Smith was the "ecclesiastical and operational head of the Progressive Church" either under the Church Constitution or under the 1988 resolution. Defendants admit that Bishop Smith served in an executive role for the Progressive Church for decades as Presiding Bishop with expressly limited powers and authority as set forth in the Church Constitution, but deny that Bishop Smith ever had sole authority to act on behalf of the Progressive Church in all business and transactional matters. Defendants deny the remaining allegations of Paragraph 20.

21. Answering the allegations of Paragraph 21, Defendants admit that Bishop Smith issued an executive resolution on May 26, 2007 wherein he appointed four (4) bishops, Bishop

Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and Bishop Paul C. Johnson, as members of the Board of Bishops. Defendants deny the remaining allegations of Paragraph 21.

22. Answering the allegations of Paragraph 22, Defendants admit that on July 7, 2007, Elder Gerry Bailey, Elder Roy Brockington, Elder Ron Donaldson, Elder Wender Gavin, Elder Robert Mingo, Elder William E. Smith, and Elder Woodrow Willingham were appointed as members of the Progressive Church's Board of Presbytery. Answering further, Defendants state that these aforementioned individuals were appointed as members of the Board of Presbytery by Bishop Edward Smith, Bishop Theodore Jenkins, Sr., Bishop David S. Johnson, Sr., and Bishop Lang Priester acting collectively as the Progressive Church's Board of Bishops and not solely by Bishop Smith acting in his individual capacity as Presiding Bishop. Defendants deny all remaining allegations of Paragraph 22.

23. Answering the allegations of the first sentence of Paragraph 23, Defendants deny that the group of elders appointed on July 7, 2007 has operated and functioned as the Board of Presbytery since their appointment on July 7, 2007. Answering further, Defendants state that, of the group of elders appointed by the Board of Bishops to be members of the Board of Presbytery on July 7, 2007, only Elder Roy Brockington, Elder Robert Mingo, and Elder Woodrow Willingham remain as current members of the Board of Presbytery and have faithfully and properly performed the duties of members of the Board of Presbytery. Defendants deny all remaining allegations of Paragraph 23.

24. Answering Paragraph 24, Defendants state and admit only that the June 16, 2010 Order is a matter of public record and that the documents speaks for themselves. Defendants deny

any remaining allegations of Paragraph 24 or any allegations of Paragraph 24 that are inconsistent with the June 16, 2010 Order.

25. Answering Paragraph 25, Defendants state and admit only that the June 16, 2010 Order was appealed to the South Carolina Court of Appeals, which issued an order in the appeal dated March 28, 2012. Defendants deny any remaining allegations of Paragraph 24 or any allegations of Paragraph 24 that are inconsistent with the June 16, 2010 Order.

26. Answering the allegations of Paragraph 26, Defendants admit only that following the June 16, 2010 Order, Bishop Smith continued to serve as the Presiding Bishop for the Progressive Church, until his death on November 10, 2020. Defendants deny any remaining allegations of Paragraph 24.

27. Defendants deny the allegations of Paragraph 27 and further state that all property owned by the Progressive Church and titled in its corporate name has been controlled, used, maintained, and improved under the authority of the Progressive Church.

28. Answering the allegations in the first sentence of Paragraph 28, Defendants deny the allegations stated therein. Defendants further state that the disassociations of the local congregations in Atlanta, Georgia and Florence, South Carolina, and the related dispositions of real property, occurred under terms properly discussed in advance and approved by the Board of Bishops. Defendants deny all remaining allegations of Paragraph 28.

29. Answering the allegations of Paragraph 29, Defendants admit that Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and Elder Robert Mingo conducted a proper meeting of the Progressive Church's original Board of Presbytery in February of 2019, and elected Bishop Theodore Jenkins, Sr. and Bishop Lang Priester to the Board of Bishops. Defendants also admit that in February of 2019, Bishop David S. Johnson, Sr. and Bishop

Paul C. Johnson were appointed to the Board of Bishops by a resolution approved by members of the Board of Bishops, then including Bishop Edward Smith, Bishop Theodore Jenkins, Sr., and Bishop Lang Priester. Defendants further state that the meeting of the original Board of Presbytery in February of 2019 was called by Bishop Edward Smith and was conducted solely to clarify and resolve any doubts regarding the membership of the Board of Bishops arising from the 2010 Order of Judgment issued by Judge S. Bryan Doby. Defendants deny all remaining allegations of Paragraph 29.

30. Answering the allegations of Paragraph 30, Defendants admit that Bishop Edward Smith started to experience significant health problems later in 2019. Defendants deny the remaining allegations of Paragraph 30.

31. Answering the allegations of Paragraph 31, Defendants admit that Bishop Edward Smith died on November 10, 2020. Defendants deny the remaining allegations of Paragraph 31.

32. Answering the allegations of Paragraph 32, Defendants admit that some existing members of the Board of Presbytery were sent notice of their removal and removed from the Board of Presbytery, as is the prerogative of the Progressive Church's highest ecclesiastical governance authority. Defendants deny the remaining allegations of Paragraph 32.

B. The Sumter Congregation and the Property

33. Answering the allegations of Paragraph 33, Defendants deny that the Sumter congregation acquired property at the corner of Crescent Avenue and North Main Street in 1998. Answering further, Defendants state that the Progressive Church purchased this initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina in 1998 to be used as a church and the location of ministry services for the Progressive Church's Sumter, South Carolina congregation. Defendants admit that the property had previously been used a dry cleaning

business. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 33, and therefore deny them.

34. Answering the allegations of Paragraph 34, Defendants admit that Finklea began working under the guidance of Bishop David S. Johnson, Sr., who was the pastor of the Progressive Church's Sumter, South Carolina Congregation. Defendants deny the remaining allegations of Paragraph 34.

35. Answering the allegations of Paragraph 35, Defendants admit that Finklea was appointed as pastor of the Progressive Church's Sumter, South Carolina congregation. Defendants deny that Finklea's appointment as pastor of the Progressive Church's Sumter, South Carolina congregation was made solely by Bishop Smith. Defendants deny all remaining allegations of Paragraph 35.

36. Answering the allegations of Paragraph 36, Defendants admit that Dorothy Neal and Hettie McFadden conveyed properties (502, 504 and 508 North Main Street) to the Progressive Church of Our Lord Jesus Christ, Inc. whose address is: 219 Crescent Avenue, Sumter, SC 29150. Answering further, Defendants state that the Progressive Church paid, solely from its national church treasury, the sum of \$48,000 for the properties, which included land and houses. Defendants deny the remaining allegations of Paragraph 36 and any allegations inconsistent with the Affidavit of sale recorded in the Sumter County Register of Deeds Office on May 10, 2005.

C. Disassociation and Formation of a Successor Church (New Life Apostolic Church)

37. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37, and therefore deny them.

38. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38, and therefore deny them.

39. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39, and therefore deny them.

40. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40, and therefore deny them.

41. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41, and therefore deny them.

42. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42, and therefore deny them.

43. Answering the allegations of Paragraph 43, Defendants admit that NLAC is a separate and distinct entity not associated with the Progressive Church. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 43, and therefore deny them.

44. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44, and therefore deny them.

45. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45, and therefore deny them.

46. Defendants deny the allegations in Paragraph 46.

47. Answering the allegations of Paragraph 47, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 regarding NLAC occupying, maintaining, and enhancing the Sumter Property, and therefore deny them. Defendants admit that NLAC has not paid any dues or assessments to the Progressive Church. Defendants further state that Finklea paid dues or assessments to the Progressive Church, as a

pastor of the Progressive Church, after July 2014. Defendants deny all remaining allegations in Paragraph 47.

48. Answering the allegations of Paragraph 48, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore deny them.

49. Answering the allegations of Paragraph 49, Defendants admit that the Progressive Church's Board of Bishops conducted a confidential Ecclesiastical Trial according to the Progressive Church's Constitution on December 6, 2019, based on allegations of improper conduct committed by Finklea. Defendants further state that Finklea received notice of the Ecclesiastical Trial and did not attend. Defendants deny all remaining allegations in Paragraph 49.

50. Answering the allegations of Paragraph 50, Defendants admit that the Progressive Church issued a letter to Finklea dated December 11, 2020 informing Finklea of a final directive and pending ecclesiastical disciplinary action and directing Finklea and NLAC to vacate the Sumter Property. Defendants also admit that the Progressive Church's letter correctly stated that NLAC and Finklea have no permission or legal right to use or occupy the Sumter Property and that the Progressive Church would take action to remove and replace the sign placed at the Sumter Property improperly displaying information about NLAC without the permission of the Progressive Church. Defendants deny all remaining allegations of Paragraph 50 which are inconsistent with the foregoing.

51. Answering the allegations of Paragraph 51, Defendants admit only that the quoted language from the December 21, 2020 letter is correctly quoted. Defendants deny any remaining allegations of Paragraph 51.

FIRST CAUSE OF ACTION
(Declaratory Judgment)

52. Responding to Paragraph 52, Defendants repeat and reallege their answers to each and every previous paragraph of the Amended Complaint as though fully set forth herein.

53. Answering Paragraph 53, Defendants state and admit only that the June 16, 2010 Order is a matter of public record and that the documents speaks for themselves. Defendants deny any remaining allegations of Paragraph 53 or any allegations of Paragraph 53 inconsistent with the June 16, 2010 Order.

54. Answering Paragraph 54, Defendants state and admit only that the June 16, 2010 Order is a matter of public record and that the document speaks for itself. Defendants deny any remaining allegations of Paragraph 54 or any allegations of Paragraph 54 inconsistent with the June 16, 2010 Order.

55. Defendants deny the allegations in Paragraph 55.

56. Defendants deny the allegations in Paragraph 56.

57. Defendants deny the allegations in Paragraph 57.

58. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58, and therefore deny them.

59. Answering the allegations of Paragraph 59, Defendants admit that NLAC has not paid any dues or assessments to the Progressive Church. Defendants further state that Finklea paid dues or assessments to the Progressive Church, as a pastor of the Progressive Church, after July 2014. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 59, and therefore deny them.

60. Defendants deny the allegations of Paragraph 60.

61. Answering the allegations of Paragraph 61, Defendants admit that the Church Constitution does not expressly impose a trust on property used by local congregations. Defendants deny the remaining allegations in Paragraph 61.

62. Defendants deny the allegations in Paragraph 62.

SECOND CAUSE OF ACTION
(Injunctive Relief)

63. Responding to Paragraph 63, Defendants repeat and reallege their answers to each and every previous paragraph of the Amended Complaint as though fully set forth herein.

64. Defendants deny the allegations of Paragraph 64. Defendants further state that the Progressive Church, as the true holder of legal title to the Sumter Property, has directed Plaintiffs to vacate the Sumter Property.

65. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 regarding what Plaintiffs believe, and therefore deny them.

66. Defendants deny the allegations of Paragraph 66.

67. Responding to Paragraph 67, including all subparts, Defendants deny that Plaintiffs are entitled to the relief requested therein.

THIRD CAUSE OF ACTION
(Reformation of Deeds)

68. Responding to Paragraph 68, Defendants repeat and reallege their answers to each and every previous paragraph of the Amended Complaint as though fully set forth herein.

69. Defendants deny the allegations in Paragraph 69 and demand strict proof thereof.

70. Defendants deny the allegations of Paragraph 70.

71. Answering the allegations of Paragraph 71, Defendants admit that the Progressive Church acquired the Sumter Property for use by its Sumter Congregation. Defendants deny the remaining allegations of Paragraph 71.

72. Answering the allegations of Paragraph 72, Defendants admit that the Church Constitution imposes no trust on property used by local congregations. Defendants deny the remaining allegations of Paragraph 72.

73. Defendants deny the allegations of Paragraph 73.

74. Responding to Paragraph 74, Defendants deny that Plaintiffs are entitled to the relief requested therein.

75. Defendants deny the allegations of Paragraph 75.

FOURTH CAUSE OF ACTION
(Quantum Meruit/Unjust Enrichment)
(Alternative Claim to Prior Causes of Action)

76. Responding to Paragraph 76, Defendants repeat and reallege their answers to each and every previous paragraph of the Amended Complaint as though fully set forth herein.

77. Responding to Paragraph 77, Defendants admit only that the Property was acquired by the Progressive Church solely for the exclusive use of and by its Sumter Congregation. Defendants deny the remaining allegations of Paragraph 77.

78. Defendants deny the allegations of Paragraph 78.

79. Defendants deny the allegations of Paragraph 79.

80. Responding to the allegation of Paragraph 80, Defendants admit that the Church Constitution does not impose any trust on local congregation property. Defendants deny the remaining allegations of Paragraph 80.

81. Defendants admit the allegations of Paragraph 81.

82. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 82, and therefore deny them.

83. Responding to the allegations of Paragraph 83, Defendants state that the Progressive Church is undoubtedly the owner of record, legal title to the Property, but deny that the Progressive Church has or would “receive a significant and financial and operational benefit” as a result of any actions ever taken by Plaintiffs regarding the Property.

84. Defendants deny the allegations of Paragraph 84.

85. Defendants deny the allegations of Paragraph 85.

86. Defendants deny the allegations of Plaintiffs’ Prayer for Relief, including all subparts.

87. Defendants deny that any claims asserted by Plaintiffs or any counterclaims asserted by Defendants are legal claims with a right of trial by jury.

**FOR A SECOND DEFENSE
(Lack of Subject Matter Jurisdiction)**

88. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

89. The South Carolina Supreme Court has established the rule that civil courts must follow when adjudicating church disputes. This rule dictates that

(1) [c]ourts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration; (2) courts cannot avoid adjudicating rights growing out of civil law; (3) in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church, 421 S.C. 211, 216, 806 S.E.2d 82, 84-85 (2017) (citing *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996)).

90. This Court lacks subject matter jurisdiction over Plaintiffs' claims pertaining to ecclesiastical doctrine, standards, administration, custom, operation, and governance of Defendant Progressive Church and over ecclesiastical governance decisions and appointments made by and pertaining to Defendants Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr. and Bishop Paul C. Johnson in their capacity as members of the governing Board of Bishops of the Progressive Church.

**FOR A THIRD DEFENSE
(Failure to State a Claim)**

91. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

92. The Amended Complaint fails to state facts sufficient to constitute any cause of action as to the Defendants, and should be dismissed with prejudice pursuant to Rule 12(b)(6), SCRCF. The South Carolina Supreme Court has held that certain "property and church governance disputes are not appropriate for resolution in the civil courts." *Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church*, 421 S.C. 211, 216, 806 S.E.2d 82, 84-85 (2017).

93. As a hierarchical church, the Progressive Church's Board of Bishops has already rendered its decision regarding the use, possession, and occupancy rights regarding the Sumter Property, finding that NLAC and Finklea have no rights to use, possess or occupy the Sumter Property. The Progressive Church's Board of Bishops has already rendered its decision rescinding and revoking the ministerial credentials and the ministry of Finklea as a part of the Progressive Church. All of Plaintiffs' claims request the Court to overturn the valid and binding ecclesiastical and secular decisions and determinations of the Progressive Church by probing deeply into the allocation of ecclesiastical power and administration within a hierarchical church in a manner

forbidden by legal precedent established by the United States Supreme Court and the South Carolina Supreme Court.

**FOR A FOURTH DEFENSE
(Lack of Standing)**

94. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

95. Plaintiffs do not have standing to assert any claims arising out of or pertaining to ecclesiastical or secular governance decisions made by the Defendants, as Plaintiffs have alleged that they are not parishioners of the Progressive Church and that they are no longer governed by the Defendants' ecclesiastical authority.

96. Plaintiffs were not in privity with any parties to the 1998 Deed, the 2004 Deed, and the 2019 Deed to the Sumter Property and therefore do not have standing to assert any claims arising from the 1998 Deed, the 2004 Deed, and the 2019 Deed or to any other deeds to properties owned by Progressive Church.

**FOR A FIFTH DEFENSE
(Dead Man's Statute)**

97. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

98. Any of Plaintiffs' claims which, in whole or in part, pertain to or rely upon any transactions or communications with the late Bishop Edward Smith and the late Bishop Joseph D. Williams, Jr., are barred by the Dead Man's Statute, S.C. Code Ann. § 19-11-20.

**FOR A SIXTH DEFENSE
(Statute of Frauds)**

99. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

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100. Any of Plaintiffs' claims which, in whole or in part, pertain to Plaintiffs' alleged rights of ownership, use, possession, or occupancy of the Sumter Property are barred by the Statute of Frauds, S.C. Code Ann. § 32-3-10.

**FOR A SEVENTH DEFENSE
(No Basis for Attorneys' Fees and Costs)**

101. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

102. Pursuant to applicable South Carolina law, Plaintiffs have failed to state a statutory or contractual basis for any award of attorneys' fees and costs, and therefore, Plaintiffs are not entitled to any such award.

**FOR AN EIGHTH DEFENSE
(Statute of Limitations)**

103. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

104. Plaintiff's claims are barred by any applicable statute of limitations.

**FOR A NINTH DEFENSE
(Equitable Defenses)**

105. Defendants incorporate their prior allegations and defenses as fully as if restated verbatim.

106. Plaintiffs' claims are barred by any equitable doctrines available to Defendants, including, but not limited to, laches, ratification, unclean hands, waiver, condonation, consent, estoppel, and unjust enrichment.

FACTUAL ALLEGATIONS IN SUPPORT OF DEFENDANTS' COUNTERCLAIMS

107. Defendants (hereinafter "Defendants/Counterclaim Plaintiffs") incorporate their prior allegations and defenses as fully as if restated verbatim.

A. Corporate Formation and Historical Governance of the Progressive Church.

108. The Progressive Church was founded in 1944 in Columbia, South Carolina, and on October 5, 1953, was incorporated under South Carolina law. The incorporating documents for the Progressive Church confirm that the Progressive Church "holds, or desires to hold, property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes."

109. The Progressive Church is a hierarchical church with its headquarters office in Columbia, South Carolina, from which it provides secular, spiritual, and ecclesiastical governance and oversight for its local church congregations in South Carolina, North Carolina, Georgia, Florida, and New York.

110. The local congregations of the Progressive Church are established by and governed under the authority of the Progressive Church and are organized as a body of churches that operate by the same faith and doctrine. The Progressive Church has operated under a governance system of hierarchical polity and has generally observed an annual ruling holy convocation since its founding.

B. The Progressive Church Constitution.

111. The August 18, 1983, Church Constitution is the current and official bylaws and governing instrument of the Progressive Church.

112. Article I, Section III, of the Church Constitution states "the purpose of this organization is to teach the doctrines and beliefs of the Apostolic Faith and to *own, establish and*

maintain churches, thereby perpetuating the Progressive Church of our Lord Jesus Christ, Inc.”
(Emphasis added.)

113. Article III, Section II, of the Church Constitution expressly provides that the Board of Bishops “shall govern the church in both spiritual and secular matters” and “shall be responsible for the overall operation of the church and its financial growth and stability.” No other individuals or bodies within the Progressive Church have any such governance authority or power. The Board of Bishops serves as the governing board and highest ecclesiastical authority in the Progressive Church.

114. Article I, Section IV, of the Church Constitution provides that the Progressive Church “shall function on National, District, and Local levels.” Local congregations of the Progressive Church are not self-governed by parishioners but are governed by the Progressive Church’s Board of Bishops, according to Article III, Section II, of the Church Constitution. Pastors who serve local congregations of the Progressive Church, and who are assigned and credentialed by the Progressive Church’s Board of Bishops, are subject to removal at the ecclesiastical discretion of the Board of Bishops.

115. The current members of the Progressive Church’s Board of Bishops are Bishop Theodore Jenkins, Sr., Presiding Bishop, Bishop Paul C. Johnson, Board Secretary, Bishop David S. Johnson, Sr., and Bishop Lang Priester. The current members of the Progressive Church’s Board of Bishops are duly appointed and authorized to make governance decisions on behalf of the Progressive Church.

C. The Progressive Church’s Practice of Purchasing and Holding Church Real Property.

116. In accordance with the Progressive Church’s 1953 Articles of Incorporation, and including prior to adopting its 1983 Church Constitution, the Progressive Church has, since at least

1958, purchased and titled the real property used by its local congregations as places of worship in its official corporate name: Progressive Church of Our Lord Jesus Christ, Inc.

117. The Progressive Church owns real property in some 18 counties in North Carolina, South Carolina, Georgia, and Florida. The Progressive Church's properties are titled and held in the formal corporate name of the Progressive Church of Our Lord Jesus Christ, Inc., with maintenance responsibilities and building upkeep generally attended to by parishioners of each local congregation of the Progressive Church.

D. The Progressive Church's Establishment of a Congregation in Sumter, South Carolina and Purchase of Real Property in Sumter, South Carolina.

118. In 1991, upon approval by the Progressive Church and in accordance with Article I, Section IV, of the Church Constitution, Bishop David S. Johnson, Sr. established a local Progressive Church congregation in Sumter, South Carolina (the "Sumter Congregation"), as a part of the hierarchical Progressive Church.

119. The Progressive Church appointed Bishop David S. Johnson, Sr. as the initial pastor of the Sumter Congregation. Bishop David S. Johnson, Sr. served as pastor of the Sumter Congregation from 1991 through 2003 and thereafter served in an ecclesiastical supervisory capacity to the Sumter Congregation and Finklea, who succeeded Bishop David S. Johnson, Sr. as pastor of the Sumter Congregation.

120. The Sumter Congregation worshipped in rented facilities between 1991 and 1998.

121. In 1998, Bishop David S. Johnson, Sr. made a request to the Progressive Church to purchase real property at 219 Crescent Avenue in Sumter, South Carolina as a permanent place of worship for the Sumter Congregation.

122. On August 10, 1998, the Progressive Church purchased the initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina (also known as Sumter County

Tax Map Number 228-04-02-056) for a purchase price of \$59,750. The Progressive Church paid the full purchase price of \$59,750 and authorized Bishop David S. Johnson, Sr. to execute the closing documents on behalf of the Progressive Church, titling the property in the Progressive Church's corporate name, Progressive Church of Our Lord Jesus Christ, Inc.

123. At all times after its purchase in 1998, this initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina has been owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation for furtherance of the ministry of the Progressive Church. No other entity or person has been authorized by the Progressive Church to use the property at 219 Crescent Avenue in Sumter, South Carolina.

124. In or about 2002, the Progressive Church assigned Ricky Finklea to provide subordinate ministerial support to Bishop David S. Johnson, Sr. at the Sumter Congregation. In 2003, the Progressive Church ordained Finklea an "elder" and appointed Finklea to serve as pastor of the Sumter Congregation, remaining under the direct supervision of Bishop David S. Johnson, Sr.

125. In the role of pastor of the Progressive Church's Sumter Congregation, the Progressive Church's leadership expressly instructed Finklea that he served under the authority of the Progressive Church. On July 3, 2003, Finklea was required to sign, and did sign, a Ministerial Reaffirmation Statement confirming his responsibility to honor the leadership of the Progressive Church in "all things." By accepting the position of a pastor of the Progressive Church, Finklea undertook a confidential and fiduciary relationship with the Progressive Church to serve and promote its spiritual and secular mission and to conserve and safeguard its property, both real and personal.

126. On May 6, 2005, the Progressive Church purchased the additional portion of the Sumter Property located at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina (also known as Sumter County Tax Map Numbers 228-04-02-072, 228-04-02-071, and 228-04-02-067) for a purchase price of \$48,000. The Progressive Church paid the full purchase price of \$48,000 from its corporate funds and authorized Bishop David S. Johnson, Sr. and Bishop Edward Smith to execute the closing documents on behalf of the Progressive Church, titling the property in the corporation's name, Progressive Church of Our Lord Jesus Christ, Inc.

127. At all times after the purchase in 2005, the properties at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina have been owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation to further the ministry of the Progressive Church. No other entity or person has been authorized by the Progressive Church to use this property.

128. In 2007, the Progressive Church placed the Sumter Congregation in a district of the Progressive Church's local congregations directly overseen by a district bishop assigned by the Board of Bishops and ultimately governed by the Board of Bishops.

E. **Actions by Finklea and NLAC to Unlawfully Commandeer the Progressive Church's Sumter Property and to Improperly Interfere with the Progressive Church's Ecclesiastical Authority, Administration, and Religious Laws.**

129. On or before December 3, 2014, the Plaintiff Corporation, New Life Apostolic Church, Inc. ("NLAC"), was formed as a South Carolina Corporation, and filed articles of incorporation with the South Carolina Secretary of State, listing Finklea as the corporation's registered agent for service of process at his home address. Upon information and belief, Finklea is the founder and a principal officer of NLAC. Until he filed the original Complaint in this action,

Finklea deliberately concealed from the Progressive Church's Board of Bishops the formation and existence of NLAC, and his personal role within NLAC.

130. According to the Amended Complaint, "Finklea is the pastor of NLAC, a position he has held since NLAC was established in 2014." Upon information and belief, Finklea has used the Sumter Property, and other personal property of the Progressive Church, for his and the NLAC's benefit since December 3, 2014 or before, all while actively and deliberately concealing this breach of trust from the Progressive Church Board of Bishops and others within the Progressive Church.

131. On numerous occasions between December 3, 2014 and late 2020, Finklea has attended Progressive Church ecclesiastical meetings, worship services, and other events at various Progressive Church local congregations and elsewhere. When preaching at Progressive Church events, Finklea has been introduced as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and has at no time publicly disagreed with, corrected, or restated his public introduction as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina.

132. On numerous occasions between December 3, 2014 and late 2020, Finklea has attended meetings of Progressive Church clergy, both in person and virtually. All such meetings were planned and held exclusively for Progressive Church clergy to discuss matters pertaining to the ecclesiastical and secular governance of the Progressive Church. Finklea has actively participated in these clergy meetings and has frequently attempted to interfere with and disrupt the ecclesiastical governance of the Progressive Church.

133. Since December 3, 2014, Finklea has frequently used the email address "pcsumter@yahoo.com," which was created as an abbreviation to identify the local congregation

of the Progressive Church of Sumter, South Carolina, to conduct his ministerial duties associated with the Sumter Congregation of the Progressive Church.

134. In none of the aforementioned meetings of Progressive Church clergy and congregants did Finklea indicate that he was a part of NLAC and no longer a part of the Progressive Church, but rather at all times held himself out as a pastor and elder within the Progressive Church. For over five years, Finklea has actively and deliberately concealed from the Progressive Church's Board of Bishops the existence of NLAC, his role within NLAC, and NLAC's use of the Sumter Property as a ministry separate and distinct from the Progressive Church.

135. As just one particularly egregious example of Finklea's duplicity and breach of trust, on March 30, 2019, Finklea attended a meeting exclusively intended for Progressive Church clergy and participated in an individual photo shoot for all clergy of the Progressive Church, which was necessary for issuing new Progressive Church Ministerial Credentials. After the March 30, 2019 Progressive Church clergy meeting, Finklea received and accepted new Progressive Church Ministerial Credentials which pictured Finklea and identified Finklea as "an ordained minister serving the Progressive Church of Our Lord Jesus Christ, Inc. Headquarters at 2222-24 Barhamville Road Columbia, SC 29204 Expiration Date: July 1, 2020."

136. Upon information and belief, in 2019, Finklea and NLAC defaced, with black paint or other dark material, a sign located at the Sumter Property and displaying the name "Progressive Church of Our Lord Jesus Christ, Inc." (the "PC Sign"). The PC Sign was originally purchased and erected at the Progressive Church's Headquarters in Columbia, South Columbia, and later relocated to the Sumter Property, all at significant cost to the Progressive Church.

137. At some time in 2019, Finklea and NLAC installed another sign displaying New Life Apostolic Church (the "NLAC Sign") at the Sumter Property. Finklea and NLAC did not

have permission or authorization from the Progressive Church to deface or damage the PC Sign or to replace it with the NLAC Sign. The Progressive Church's Board of Bishops had no knowledge of the NLAC Sign at the time it was placed upon the Sumter Property, and has never approved the NLAC Sign to be placed upon the Sumter Property.

138. The NLAC Sign expressly violates Article I, Section II, of the Progressive Church's Constitution.

139. In or about November of 2019, the Progressive Church discovered the improper NLAC Sign placed at the Sumter Property.

140. On November 8, 2019, the Progressive Church issued to Finklea a written letter expressing concerns after learning of allegations that Finklea was using the Progressive Church's Sumter Property to operate NLAC without the permission of the Progressive Church. The November 8, 2019, letter from the Progressive Church expressly objected to the NLAC Sign erected without authorization of the Progressive Church and directed Finklea to remove the NLAC Sign by November 22, 2019. The November 8, 2019, letter also informed Finklea that failure to adhere to the ecclesiastical directives of the Board of Bishops would result in an Ecclesiastical Trial under the Church Constitution.

141. Finklea received the November 8, 2019, letter from the Progressive Church. Finklea did not abide by the directives of the Progressive Church as set forth in the November 8, 2019, letter.

142. On November 22, 2019, the Progressive Church issued to Finklea a written Notice of Ecclesiastical Trial under Article VIII, Section I, of the Church Constitution and included several "Accusations and Charges of Improper Conduct Against Elder Ricky Finklea." The November 22, 2019, letter notified Finklea that the Ecclesiastical Trial would take place on

December 6, 2019, at the Progressive Church's Headquarters in Columbia, South Carolina and expressly stated that Finklea was required to attend.

143. Finklea received the November 22, 2019, letter from the Progressive Church. Finklea did not attend the Ecclesiastical Trial on December 6, 2019, and did not provide advance notice of his absence.

144. The Progressive Church's Board of Bishops determined that Finklea was guilty of all ecclesiastical charges against him and determined that Finklea, in his capacity with NLAC, and NLAC had no right to use, possess, or occupy the Progressive Church's Sumter Property.

145. On December 14, 2019, over five years after he formed NLAC and became the pastor of NLAC, Finklea attended a meeting held at the Progressive Church's Headquarters in Columbia, South Carolina. The December 14, 2019, meeting was exclusively for pastors and elders of the Progressive Church. Finklea actively participated in the pastors and elders meeting and expressly made comments that the December 14, 2019, meeting was a private meeting exclusively for pastors and elders of the Progressive Church and, when objecting to the presence of the Progressive Church's legal counsel, Finklea stated that no one other than pastors and elders of the Progressive Church should be permitted to attend the December 14, 2019, meeting.

146. At no time during the December 14, 2019, meeting of Progressive Church pastors and elders did Finklea indicate that he was a part of NLAC. At no time during the December 14, 2019, meeting of Progressive Church pastors and elders did Finklea indicate that he was no longer a part of the Progressive Church. At all times during the December 14, 2019, meeting of Progressive Church pastors and elders, Finklea masqueraded as a pastor and elder within the Progressive Church.

147. As recently as November 21, 2020, Finklea participated in the funeral service and obsequies for the late Bishop Edward Smith at the Progressive Church Headquarters in Columbia, South Carolina. Finklea, as identified in the written funeral program and as publicly stated during the funeral service and obsequies, was introduced as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and at no time publicly disagreed with, corrected, or restated the introduction as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina.

148. On December 11, 2020, the Progressive Church issued a letter to Finklea informing him of a final directive and pending ecclesiastical disciplinary action and directing Finklea and NLAC to vacate the Sumter Property. The Progressive Church's letter correctly stated that NLAC and Finklea had no permission or legal right to use, possess, or occupy the Sumter Property and that the Progressive Church would take action to remove and replace the unauthorized NLAC Sign placed at the Sumter Property.

149. Finklea and NLAC failed to obey the directives of the Progressive Church's December 11, 2020 letter.

150. At no time prior to filing the original Complaint in this action, did Finklea or NLAC express to the Progressive Church any claim or allegation that NLAC had ownership rights to the Sumter Property.

151. Finklea and NLAC's alleged claims to property rights arise from disputes over ecclesiastical administration, ecclesiastical doctrine and standards, and the ecclesiastical governance authority of the Progressive Church as raised by Finklea and NLAC.

152. Upon information and belief, Finklea has dishonestly masqueraded as both pastor of the local congregation of the Progressive Church in Sumter, South Carolina and as pastor of NLAC for an undetermined period of time, but at least since December 3, 2014.

153. Finklea and NLAC have converted bank accounts owned by the Progressive Church to bank accounts established in the name of NLAC and/or Finklea and have done so without the authorization of the Progressive Church. Any monies from these converted bank accounts rightfully belong to the Progressive Church.

154. Finklea and NLAC have converted personal property owned by the Progressive Church to NLAC and/or Finklea and have done so without the authorization of the Progressive Church. Such personal property or any proceeds from this personal property rightfully belongs to the Progressive Church.

155. In January 2021, the Progressive Church's Board of Bishops formally accepted Finklea's declaration that he has personally disassociated from the Progressive Church.

156. In January 2021, the Progressive Church's Board of Bishops revoked all ministerial credentials and licenses issued to Finklea to operate as a member of the Progressive Church clergy, in any capacity, and has notified Finklea of such revocation.

157. In January 2021, the Progressive Church's Board of Bishops rescinded Finklea's authority to operate in any capacity of ministry within the Progressive Church and has notified Finklea of such rescission.

158. By Finklea's admission, and by confirmation of the Progressive Church's Board of Bishops, Finklea is no longer a parishioner or clergyman in the Progressive Church.

**FOR A FIRST COUNTERCLAIM
(Declaratory Judgment)**

159. Each and every allegation as set forth in this Answer and Counterclaims, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

160. The South Carolina Uniform Declaratory Judgments Act provides that

[a]ny person interested under a deed, will, written contract or other writings constituting a contract or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

S.C. Code Ann. § 15-53-30.

161. Defendants/Counterclaim Plaintiffs are entitled to an order of the Court declaring that the Progressive Church, as sole holder of the record, legal title to the Sumter Property, has the unilateral authority to determine who may enter, use, or occupy its property.

**FOR A SECOND COUNTERCLAIM
(Trespass)**

162. Each and every allegation as set forth in this Answer and Counterclaims, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

163. The Progressive Church has verified real property rights, as sole holder of legal title to the properties located at 219 Crescent Avenue, and 502, 504 and 508 North Main Street in Sumter, South Carolina (also known as Sumter County Tax Map Numbers 228-04-02-072, 228-04-02-071, 228-04-02-067, and 228-04-02-056) (collectively the “Sumter Property”), and has sole authority to determine who has permission to enter, use, possess or occupy the Sumter Property.

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164. By admission, NLAC and Finklea currently use, possess, and occupy the Sumter Property and do so without authorization from the Progressive Church.

165. NLAC is not the successor in interest to the Sumter Congregation established by the Progressive Church and is not affiliated with the Progressive Church.

166. Plaintiffs voluntarily and intentionally retain the use and possession of the Sumter Property without permission from the Progressive Church. Finklea previously had permission to enter the Sumter Property, acting solely as pastor of the local congregation of the Progressive Church in Sumter, South Carolina. Upon Finklea's disassociation from the Progressive Church and taking actions in a capacity with NLAC and unrelated to the Progressive Church, Finklea's permission to remain upon the Sumter Property ended.

167. Although Finklea's permission to remain upon the Sumter Property has ended, Finklea has voluntarily, intentionally, and unreasonably remained upon the Sumter Property without permission and after due notice from the Progressive Church to vacate the Sumter Property.

168. Each day that Finklea and NLAC remain upon the Sumter Property without permission is a continuing and individual act of trespass under the laws of the State of South Carolina.

169. Defendants/Counterclaim Plaintiffs are entitled to an order of the Court requiring that Finklea and NLAC immediately vacate the Sumter Property and enjoining Finklea and NLAC from any further possession and control of any property of the Progressive Church, both real and personal.

**FOR A THIRD COUNTERCLAIM
(Accounting)**

170. Each and every allegation as set forth in this Counterclaim, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

171. As a pastor and elder within the Progressive Church, Finklea voluntarily and intentionally accepted a confidential and fiduciary relationship with the Progressive Church and owed fiduciary duties to the Progressive Church to exclusively serve and promote its spiritual and secular mission and to conserve and safeguard its property, both real and personal.

172. When the Progressive Church appointed Finklea as pastor of the Sumter Congregation, the Progressive Church entrusted money and other property, both real and personal to Finklea, for which Finklea has a duty to account.

173. Finklea and NLAC have failed and refused to account for the money and property, both real and personal, entrusted to Finklea in his capacity as pastor of the Sumter Congregation.

174. Defendants/Counterclaim Plaintiffs lack an adequate remedy at law and request an accounting of funds owed by Finklea and NLAC to the Progressive Church.

**FOR A FOURTH COUNTERCLAIM
(Quantum Meruit/Unjust Enrichment)**

175. Each and every allegation as set forth in this Counterclaim, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

176. By admission, Counterclaim Defendants NLAC and Finklea have possessed, used, and occupied the Sumter Property.

177. By admission, NLAC and Finklea in his capacity as pastor of NLAC, are not associated with the Progressive Church and their use of the Sumter Property is not in furtherance of the secular and spiritual ministry of the Progressive Church.

178. By admission, NLAC and Finklea in his capacity as pastor of NLAC, have not paid any rents, dues, assessments or other remuneration to the Progressive Church for use of the Sumter Property.

179. The Sumter Property contains a church sanctuary, office and classroom space, storage space, and residential structures. In addition to the Progressive Church's significant financial investment to purchase the Sumter Property, the Progressive Church made other significant contributions to improve and enhance structures at the Sumter Property in the form of additional monetary donations, installation of lighting fixtures, baptistery, sanctuary furnishings, exterior signage, construction materials, and in-kind skilled and licensed labor to improve the Sumter Property. All such contributions were made solely in furtherance of the secular and spiritual ministry of the Progressive Church.

180. A significant financial and operational benefit has been conferred upon NLAC and Finklea as a result of their possession, use, and occupancy of the Sumter Property, without paying any form of rents, dues, assessments or other remuneration to the Progressive Church.

181. Retention by NLAC and Finklea of the significant benefit conferred upon them in possessing, using, occupying, and enjoying the Sumter Property without paying any form of rents, dues, assessments, or other remuneration to the Progressive Church is unjust.

182. Finklea and NLAC owe to the Progressive Church such sums as this Court deems just and proper for the valuable benefit conferred upon them during any and all periods of time

that they have possessed, used, occupied, and enjoyed the Sumter Property without authorization from the Progressive Church.

**FOR A FIFTH COUNTERCLAIM
(Constructive Trust)**

183. Each and every allegation as set forth in this Counterclaim, including but not limited to each and every factual assertion set forth above, is realleged and incorporated into this cause of action as if it were repeated verbatim herein.

184. When Finklea accepted appointment as pastor of the Progressive Church's Sumter Congregation, he entered into a confidential and fiduciary relationship with the Progressive Church and represented that funds owned by the Progressive Church, held in its bank accounts, and entrusted to his care as pastor would be exclusively used to further the spiritual and secular ministry of the Progressive Church.

185. Finklea failed to fulfill the fiduciary duties he owed to the Progressive Church.

186. For an undetermined period of time, but at least since December 3, 2014, Finklea and NLAC have improperly held monies advanced by Counterclaim Plaintiff Progressive Church, which were to be used to further the spiritual and secular ministry of the Progressive Church.

187. Finklea and NLAC have converted bank accounts owned by the Progressive Church to bank accounts established in the name of NLAC and/or Finklea and have done so without the authorization of the Progressive Church. Any monies from these converted bank accounts, including the proceeds thereof, rightfully belong to the Progressive Church.

188. Upon information and belief, on or about December 10, 2020, Finklea and NLAC used monies, in whole or in part, rightfully owned by the Progressive Church to acquire real property located at the intersection of Pear Street and North Main Street in Sumter, South Carolina (also known as Sumter County Tax Map Numbers 228-04-02-096 and 228-04-02-034).

189. Defendants/Counterclaim Plaintiffs are entitled to an order of the Court declaring that a constructive trust be imposed for the benefit of Progressive Church over the real properties at the intersection of Pear Street and North Main Street in Sumter, South Carolina, as more particularly described in Paragraph 177, and over all advantages of any type received, in money or in property, both real and personal, by Finklea and NLAC.

PRAYER FOR RELIEF

190. WHEREFORE, having fully answered the Plaintiffs' Amended Complaint, and based on the facts alleged in Defendants' Answer and Counterclaims and the applicable law of South Carolina, Defendants pray for an order and judgment of this Court:

- (i) dismissing the Plaintiffs' claims with prejudice,
- (ii) declaring that the Progressive Church is the exclusive and sole holder of legal title to the Sumter Property;
- (iii) declaring that New Life Apostolic Church, Inc. and Ricky Finklea have no permission, contractual rights, or other legal rights to use, possess or occupy the Sumter Property;
- (iv) declaring that the Board of Bishops, the highest ecclesiastical authority of the Progressive Church, has duly rendered its ecclesiastical decision to revoke Ricky Finklea's ministerial credentials and authority to serve as part of the ministry within the Progressive Church, and that this decision of the Board of Bishops is final and binding in this matter;
- (v) declaring that real properties located at the intersection of Pear Street and North Main Street in Sumter, South Carolina (also known as Sumter County Tax Map Numbers 228-04-02-096 and 228-04-02-034) and all advantages of any type received, in money or in property, both real and personal, by Finklea and NLAC are held in a constructive trust, the beneficiary of which is the Progressive Church.
- (vi) ordering Plaintiffs Ricky Finklea and New Life Apostolic Church, Inc. to immediately vacate the Sumter Property and permanently enjoining them from further possessing and controlling any property of the Progressive Church, both real and personal;
- (vii) granting judgment against Ricky Finklea and New Life Apostolic Church, Inc. in favor of the Progressive Church for such sums as an accounting may determine and to prevent unjust enrichment;

(viii) imposing a constructive trust on the real property located at the intersection of Pear Street and North Main Street in Sumter, South Carolina (Sumter County Tax Map Numbers 228-04-02-096 and 228-04-02-034) for the benefit of the Progressive Church, and

(ix) For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

By: s/James Y. Becker
 James Y. Becker, Esq., (SC Bar No. 64991)
 Costa M. Pleicones, Esq., (SC Bar No. 4479)
 Ronald T. Scott, Esq., (SC Bar No. 103751)

Post Office Drawer 11889
 Columbia, South Carolina 29211
 (803) 779.3080 Tel
 (803) 765.1243 Fax
 jbecker@hsblawfirm.com
 cpleicones@hsblawfirm.com
 rscott@hsblawfirm.com

**SMITH ROBINSON HOLLER
 DUBOSE MORGAN, LLC**

By: s/G. Murrell Smith, Jr.
 G. Murrell Smith, Jr., Esq., (SC Bar No. 66263)

Post Office Box 580
 Sumter, South Carolina 29151
 murrell@smithrobinsonlaw.com
 (803) 778-2471 Tel
 (803) 778-1643 Fax
 murrell@smithrobinsonlaw.com

March 31, 2021

Attorneys for Defendants/Counterclaim Plaintiffs

ROA 00231

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

New Life Apostolic Church, Inc., and Ricky
Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ,
Inc., Theodore Jenkins, Sr., Lang Priestler,
David S. Johnson, Sr., and Paul C. Johnson

Defendants.

**DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Pursuant to South Carolina Rule of Civil Procedure 56, Defendants, through their undersigned attorneys, respectfully move for summary judgment on all of Plaintiffs' claims set forth in their Amended Complaint, filed March 19, 2021, and for summary judgment on Defendant's Counterclaims for Declaratory Judgment and Trespass,¹ and for such other and further relief as the Court deems just and proper. This motion is supported by the pleadings filed in this action, the following affidavits:

- Affidavit of Deacon Robert Dwight,
- Affidavit of Presiding Bishop Theodore Jenkins, Sr.,
- Affidavit of Bishop David S. Johnson, Sr.,
- Affidavit of Bishop Paul C. Johnson,

and a memorandum of law filed contemporaneously with this motion.

¹ Defendants do not move for summary judgment on their counterclaims for an accounting, quantum meruit, and constructive trust.

Defendants should be granted summary judgment as requested herein and in Defendants' supporting Memorandum of Law.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

By: s/James Y. Becker

James Y. Becker, Esq., (SC Bar No. 64991)
Costa M. Pleicones, Esq., (SC Bar No. 4479)
Ronald T. Scott, Esq., (SC Bar No. 103751)

Post Office Drawer 11889
Columbia, South Carolina 29211
(803) 779.3080 Tel
(803) 765.1243 Fax
jbecker@hsblawfirm.com
cpleicones@hsblawfirm.com
rscott@hsblawfirm.com

**SMITH ROBINSON HOLLER
DUBOSE MORGAN, LLC**

By: s/G. Murrell Smith, Jr.

G. Murrell Smith, Jr., Esq., (SC Bar No. 66263)

Post Office Box 580
Sumter, South Carolina 29151
murrell@smithrobinsonlaw.com
(803) 778-2471 Tel
(803) 778-1643 Fax
murrell@smithrobinsonlaw.com

March 31, 2021

Attorneys for Defendants/Counterclaim Plaintiffs

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS

THIRD JUDICIAL CIRCUIT

Case Number: 2020-CP-43-01863

New Life Apostolic Church, Inc., and Ricky Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

AFFIDAVIT OF DEACON ROBERT DWIGHT

Upon penalty of perjury, I, Robert Dwight, having first been duly sworn, depose and say:

1. I am a citizen and resident of Columbia, South Carolina; I am over the age of eighteen; and I have personal knowledge of and am competent to swear to the facts set forth in this affidavit.
2. I am the National Treasurer of the Progressive Church of Our Lord Jesus Christ, Inc. ("Progressive Church" or "Church"), a non-profit religious corporation organized under the laws of South Carolina, with its principal place of business in Columbia, South Carolina.
3. I have attended the Progressive Church, as a parishioner, since 1975. As a result of my involvement with the Progressive Church, I am very aware of the facts recited in this affidavit.
4. The Progressive Church is governed by a Board of Bishops, which now includes Bishop Theodore Jenkins, Sr. (Presiding Bishop), Bishop Paul C. Johnson (Board Secretary),

ROA 00234

Bishop David S. Johnson, Sr., and Bishop Lang Priester. As National Treasurer, I serve under the authority and direction of the Board of Bishops.

5. Between 1988 and 2007, I served as the financial manager and bookkeeper for banking and investment accounts of the Progressive Church, and have continued such duties since my formal appointment as National Treasurer in 2007.

6. My duties since 1988, as financial manager, bookkeeper and National Treasurer, include:

- a. receiving and disbursing funds according to the directions of the Board of Bishops;
- b. keeping full and accurate records of all Progressive Church banking and investment accounts;
- c. maintaining the care and custody of all such banking and investment accounts;
- d. signing and endorsing checks in the name of the Progressive Church;
- e. submitting annual financial reports for the Progressive Church Convocation; and
- f. maintaining all financial business records of the Progressive Church in its ordinary course of business, to include records of tithing by pastors of local Progressive Church congregations and quarterly church assessments submitted by local church congregations.

7. Under its hierarchical governance structure, the Progressive Church maintains oversight of the finances and finance management of all its local congregations. As National Treasurer, I perform those oversight functions, with assistance of other Progressive Church staff, to include such duties as:

- a. financial oversight of local congregations of the Progressive Church;
- b. receiving, depositing, and maintaining records of tithe contributions of pastors of local congregations of the Progressive Church as required by the Board of Bishops;
- c. receiving, depositing, and maintaining records of quarterly financial assessments remitted by local congregations of the Progressive Church as required by the Board of Bishops;
- d. receiving and transmitting local pastoral salary and housing allowance requests to the Board of Bishops for approval;
- e. receiving and transmitting the annual finance report for all local congregations of the Progressive Church to the Board of Bishops;
- f. receiving and transmitting requests for financial assistance from local congregations to the Board of Bishops; and
- g. conducting internal audits of banking and investment accounts of all local congregations of the Progressive Church and reporting instances of fraud, malfeasance, and/or financial concern in a local congregation of the Progressive Church to the Board of Bishops.

8. Under the Progressive Church's hierarchical system of church government, local pastors pay their tithes to the Progressive Church and local congregations remit 10% of their offering contributions to the Progressive Church on a quarterly basis. These contributions of tithes and offerings, as required by the Board of Bishops, are received and recorded by the office of the National Treasurer and support the ecclesiastical ministry of the Church. On one or more

occasions after 2014, Ricky Finklea has remitted tithes as a pastor within the Progressive Church, but has not done so consistently as required by the Board of Bishops.

9. The Board of Bishops has disciplined and removed pastors of local congregations and other local congregation officials, to include the involvement of law enforcement officials where necessary, for failure to adhere to finance management guidelines established by the Church and other requirements of law.

10. The Progressive Church has, through disbursements from its banking and investment accounts, provided financial assistance in the forms of loans and grants to its various local congregations for the purpose of property purchases, building construction, and other functions of ecclesiastical ministry as approved by the Board of Bishops.

11. Upon receiving a request for financial assistance from a local congregation of the Progressive Church, decisions to approve or deny the request are made by a majority vote of the Board of Bishops.

12. The Progressive Church has maintained oversight of the business and financial affairs of the Sumter Congregation since its beginning.

13. On July 22, 1998, upon the request of Bishop David S. Johnson, Sr., the Progressive Church applied for a Federal Employer Identification Number (FEIN) through which it would operate the business affairs and finances of its Sumter Congregation. The FEIN application was submitted by my secretary at the Progressive Church and listed Bishop David S. Johnson, Sr. as the principal officer for the Sumter Congregation on behalf of the Progressive Church. **Exhibit 1** attached hereto is a copy of the facsimile transmittal submitted by the Progressive Church to the United States Department of the Treasury Internal Revenue Service requesting the FEIN for the Sumter Congregation, which is governed as part of the hierarchical Progressive Church.

14. Progressive Church financial records, maintained in the ordinary course of my duties as National Treasurer, show that the Church provided funds, from banking and/or investment accounts it owned and controlled in the amount of \$59,750 on or about August 10, 1998 to purchase the property at 219 Crescent Avenue in Sumter, South Carolina (bearing Tax Map Number 228-04-02-056) and funds from banking and/or investment accounts it owned and controlled in the amount of \$48,000 on or about May 6, 2005 to purchase the properties at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina (bearing Tax Map Numbers 228-04-02-072, 228-04-02-071, and 228-04-02-067). Funds advanced to purchase the properties referenced in this paragraph were provided solely from bank accounts owned and controlled by the Progressive Church.

FURTHER AFFIANT SAYETH NOT.

[Signature appears on following page]

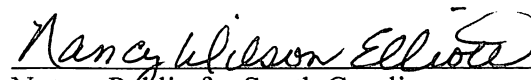
This 30th day of March, 2021.


Deacon Robert Dwight
National Treasurer of the Progressive
Church of Our Lord Jesus Christ,
Inc.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The foregoing instrument was acknowledged before me, Nancy Wilson Elliott, a notary public of the State of South Carolina this 30th day of March, 2021 by Deacon Robert Dwight, National Treasurer of the Progressive Church of Our Lord Jesus Christ, Inc.


Notary Public for South Carolina

Notary Name Printed: Nancy Wilson Elliott

My Commission Expires: June 23, 2025

[SEAL]

ROA 00239

*Progressive Church of Our
Lord Jesus Christ*

2222 Barhamville Road
Columbia, South Carolina 29204
(803) 254-6106

Fax Transmission Cover Sheet

Date: July 22, 1998
To: Internal Revenue Service
Fax No. (770) 455-2660
2360
Subject: Federal Tax Identification Number for a church
Sender: Earnestine A. M. Williams

You should receive 2 page(s), including this cover sheet. If
you do not receive all pages, please call the number listed above.

Message: Please call me if possible with number today. If absolutely not
possible, please fax number at (803) 256-0420.

Bishop Edward Smith, Pastor

Application for Employer Identification Number

(For use by employers, corporations, partnerships, trusts, estates, churches, government agencies, certain individuals, and others. See instructions.)

► Keep a copy for your records.

EIN **57-1071265**

OMB No. 1545-0003

Please type or print clearly.	1. Name of applicant (legal name) (see instructions)	ERNESTINE A.M. Williams	
	2. Trade name of business (if different from name on line 1)	3. Executor, trustee, "care of" name	
	Progressive Church of Our Lord Jesus Christ		
	4a. Mailing address (street address) (room, apt., or suite no.)	5a. Business address (if different from address on lines 4a and 4b)	
	219 Crescent Avenue		
	4b. City, state, and ZIP code	5b. City, state, and ZIP code	
Sumter, SC 29150			
6. County and state where principal business is located	Sumter, South Carolina		
7. Name of principal officer, general partner, grantor, owner, or trustor—SSN or ITIN may be required (see instructions) ►	Elder David S. Johnson		

8a. Type of entity (Check only one box.) (see instructions)

Caution: If applicant is a limited liability company, see the instructions for line 8a.

☐ Sole proprietor (SSN)	☐ Personal service corp.	☐ Estate (SSN of decedent)
☐ Partnership	☐ National Guard	☐ Plan administrator (SSN)
☐ REMIC	☐ Farmers' cooperative	☐ Other corporation (specify) ►
☐ State/local government	☐ Federal government/military	☐ Trust
☒ Church or church-controlled organization	☐ Other (specify) ► (enter GEN if applicable)	
☐ Other nonprofit organization (specify) ►		
☐ Other (specify) ►		

8b. If a corporation, name the state or foreign country (If applicable) where incorporated

State	Foreign country

9. Reason for applying (Check only one box.) (see instructions)

☐ Started new business (specify type) ►	☒ Banking purpose (specify purpose) ►
☐ Hired employees (Check the box and see line 12.)	☐ Changed type of organization (specify new type) ►
☐ Created a pension plan (specify type) ►	☐ Purchased going business
	☐ Created a trust (specify type) ►
	☐ Other (specify) ►

10. Date business started or acquired (month, day, year) (see instructions)

July 1991

11. Closing month of accounting year (see instructions)

June

12. First date wages or annuities were paid or will be paid (month, day, year). Note: If applicant is a withholding agent, enter date income will first be paid to nonresident alien. (month, day, year)

None paid to date

13. Highest number of employees expected in the next 12 months. Note: If the applicant does not expect to have any employees during the period, enter -0-. (see instructions)

Nonagricultural	Agricultural	Household
2		

14. Principal activity (see instructions) ► **Church — Worship Services**

☐ Yes ☒ No

15. Is the principal business activity manufacturing? If "Yes," principal product and raw material used ►

16. To whom are most of the products or services sold? Please check one box.

☐ Public (retail)	☒ Other (specify) ► Church — No Sales	☐ Business (wholesale)	☐ N/A

17a. Has the applicant ever applied for an employer identification number for this or any other business? ☐ Yes ☒ No

Note: If "Yes," please complete lines 17b and 17c.

17b. If you checked "Yes" on line 17a, give applicant's legal name and trade name shown on prior application, if different from line 1 or 2 above.

Legal name ► Trade name ►

17c. Approximate date when and city and state where the application was filed. Enter previous employer identification number if known.

Approximate date when filed (mo., day, year)	City and state where filed	Previous EIN

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

Business telephone number (include area code)

Fax telephone number (include area code)

Name and title (Please type or print clearly.) ► **ERNESTINE A.M. Williams, Secretary**

Signature ► **Ernestine A.M. Williams** Date ► **July 22, 1998**

Note: Do not write below this line. For official use only.

Please leave blank ►	Geo.	Ind.	Class	Size	Reason for applying

ROA 00241

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Case Number: 2020-CP-43-01863

New Life Apostolic Church, Inc., and Ricky
Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ,
Inc., Theodore Jenkins, Sr., Lang Priester,
David S. Johnson, Sr., and Paul C. Johnson

Defendants.

AFFIDAVIT OF BISHOP THEODORE JENKINS, SR.

Upon penalty of perjury, I, Bishop Theodore Jenkins, Sr., having first been duly sworn,
depose and say:

1. I am a citizen and resident of Columbia, South Carolina; I am over the age of
eighteen; and I have personal knowledge of and am competent to swear to the facts set forth in this
affidavit.

2. I am the current Presiding Bishop and a member of the Board of Bishops (“Board”
or “Governing Board”) of the Progressive Church of Our Lord Jesus Christ, Inc. (“Progressive
Church” or “Church”), a non-profit religious corporation organized under the laws of South
Carolina, with its headquarters in Columbia, South Carolina. I have served as a member of the
Board of Bishops since May 26, 2007, and previously served as a member of the Interim Board of
Bishops and Advisory Council of the Progressive Church since February of 1988. I also served as

an inaugural member of the Board of Presbytery of the Progressive Church after adoption of the Church Constitution on August 18, 1983.

3. I have attended the Progressive Church, as a parishioner, since 1956. Parishioners of the Church are often called “saints.” As a result of my sixty-four (64) years of involvement with the Church, I am very aware of the Church’s history, particularly the facts recited in this affidavit.

4. I have been a licensed member of the clergy of the Church since August of 1968.

5. During my sixty-five (65) years as a parishioner, the Church has always functioned as a hierarchical church that promotes its doctrinal beliefs and worship practices through religious programs and services under the direction of the Board.

6. As far back as the 1950s, the Progressive Church has purchased real property and constructed churches and related facilities through the financial contributions and in kind labor of the saints from all its local congregations and other donors. I personally participated in many of these fund raising and building initiatives in various places from the 1950s through the present. Upon the purchase of real property and construction of churches and related facilities, local saints are thereafter responsible for maintenance and upkeep of all properties owned by the Church, with financial support provided by the Church when and where needed.

7. In July 2003, I and others in the leadership of the Progressive Church, ordained Ricky Finklea (“Finklea”) an elder and appointed him to serve as pastor of Progressive Church local congregation in Sumter, South Carolina (the “Sumter Congregation”). During the Progressive Church’s Annual Holy Convocation in July of 2003, I, along with Bishop David S. Johnson, Sr. and Bishop Lang Priester, performed the ecclesiastical anointing ceremony for the ordination of Finklea. In the role of elder and pastor of the Progressive Church’s Sumter

Congregation, the Progressive Church's leadership expressly instructed Finklea that he serve under the authority of the Progressive Church, and Finklea agreed to serve in such capacity.

8. In 2017, following an ecclesiastical reorganization of church districts within the Progressive Church, Finklea and the Sumter Congregation were placed under my interim supervision as the District Bishop.

9. In 2017 and thereafter, Finklea affirmed to me his desire to conform to the ecclesiastical directives of the Progressive Church in spite of past ecclesiastical differences. Toward that end, Finklea attended and participated in ecclesiastical events sponsored by the District of churches, which I oversaw, within the Progressive Church. **Exhibit 1** attached hereto is an authentic copy of a photograph taken on April 15, 2018 during an ecclesiastical event sponsored by the District of churches, which I oversaw within the Progressive Church. Exhibit 1 shows Finklea pictured, along within other clergy within the Progressive Church.

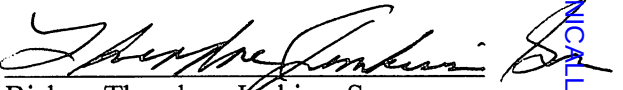
10. In April of 2019, I issued new Progressive Church ministerial credentials to Finklea. The ministerial credentials displayed Finklea's picture, which was taken on March 30, 2019 during a photo shoot of Progressive Church clergy at the Progressive Church headquarters in Columbia, South Carolina. Finklea willingly accepted the Progressive Church ministerial credentials I issued to him in April of 2019.

11. In April of 2019, Finklea and I discussed issuing new Progressive Church ministerial credentials to two subordinate clergy, who were saints within the Sumter Congregation.

FURTHER AFFIANT SAYETH NOT.

[Signature appears on following page]

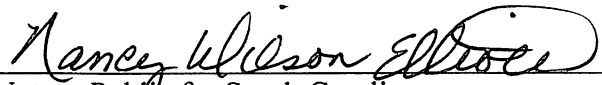
This 30th day of March, 2021.


Bishop Theodore Jenkins, Sr.
Presiding Bishop and Member of the
Board of Bishops of the Progressive
Church of Our Lord Jesus Christ,
Inc.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

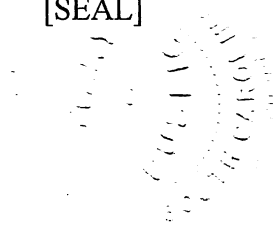
The foregoing instrument was acknowledged before me, Nancy Wilson Elliott, a notary public of the State of South Carolina this 30th day of March, 2021 by Bishop Theodore Jenkins, Sr., Presiding Bishop and Member of the Board of Bishops of Progressive Church of Our Lord Jesus Christ, Inc.


Notary Public for South Carolina

Notary Name Printed: Nancy Wilson Elliott

My Commission Expires: June 23, 2025

[SEAL]



HSB 6619301 v.2

ELECTRONICALLY FILED - 2021 Mar 31 4:06 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

EXHIBIT 1



ELECTRONICALLY FILED - 2021 Mar 31 4:06 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

ROA 00246

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Case Number: 2020-CP-43-01863

New Life Apostolic Church, Inc., and Ricky
Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ,
Inc., Theodore Jenkins, Sr., Lang Priester,
David S. Johnson, Sr., and Paul C. Johnson

Defendants.

AFFIDAVIT OF BISHOP DAVID S. JOHNSON, SR.

Upon penalty of perjury, I, Bishop David S. Johnson, Sr., having first been duly sworn,
depose and say:

1. I am a citizen and resident of Columbia, South Carolina; I am over the age of
eighteen; and I have personal knowledge of and am competent to swear to the facts set forth in this
affidavit.

2. I am a member of the Board of Bishops ("Board") of the Progressive Church of Our
Lord Jesus Christ, Inc. ("Progressive Church" or "Church"), a hierarchical non-profit religious
corporation organized under the laws of South Carolina with its principal place of business in
Columbia, South Carolina. I have served as a member of the Board of Bishops since May 26,
2007, and previously served as a member of the Interim Board of Bishops and Advisory Council
of the Progressive Church since February of 1988. I also served as an inaugural member of the

Board of Presbytery of the Progressive Church after adoption of the Church Constitution on August 18, 1983.

3. I have attended the Progressive Church, as a parishioner, since my birth in 1953. As a result of my life-long involvement with the Church, I am very aware of the history of the Church, particularly the facts recited in this affidavit.

4. I have been a licensed member of the clergy of the Progressive Church since 1975.

5. I have served as pastor of the Hopkins, South Carolina local congregation ("Hopkins Congregation") of the Progressive Church since 1976.

6. By long-standing practice, dating as far back as the 1950s, the Progressive Church has purchased real property and constructed churches and related facilities through the financial contributions and in kind labor of the saints (parishioners) from all its local congregations and other donors. I personally participated in many of these fund raising and building initiatives from my childhood through the present. Upon the purchase of real property and construction of churches and related facilities, local saints are thereafter responsible for maintenance and upkeep of all properties owned by the Progressive Church where they worshipped, with financial support provided by the Progressive Church where needed.

7. In 1991, I established a local congregation in Sumter, South Carolina as part of the hierarchical Progressive Church (the "Sumter Congregation"), and the Progressive Church assigned me to serve as initial pastor of the Sumter Congregation. I served as the pastor of the Sumter Congregation from 1991 through 2003, and thereafter served in an ecclesiastical oversight capacity for the Sumter Congregation and the pastor who succeeded me.

8. As pastor of the Sumter Congregation, I provided initial ministerial instruction and support to the saints of the Sumter Congregation. The Sumter Congregation worshipped in rented

facilities between 1991 and 1998. On behalf of the Progressive Church, I personally negotiated the lease agreements for all rented facilities used by the Sumter Congregation.

9. In 1998, I made a request to the Progressive Church to purchase real property at 219 Crescent Avenue in Sumter, South Carolina as a permanent place of worship for the Sumter Congregation. On behalf of the Progressive Church, I personally negotiated the sales contract for purchase of the real property at 219 Crescent Avenue.

10. On August 10, 1998 the Progressive Church purchased the property at 219 Crescent Avenue in Sumter, South Carolina (also known as Tax Map Number 228-04-02-056) for a purchase price of \$59,750. The Progressive Church authorized me to execute the closing documents on behalf of the Progressive Church, titling the property in the corporation's name, Progressive Church of Our Lord Jesus Christ, Inc. The Progressive Church remitted funds at closing for the full purchase price of \$59,750 solely from banking accounts owned and controlled by the Progressive Church. **Exhibit 1** attached hereto is a true and accurate copy of the deed to the property referenced in this paragraph.

11. At all times after its purchase in 1998, the property at 219 Crescent Avenue in Sumter, South Carolina (bearing Tax Map Number 228-04-02-056) has been owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation for furtherance of the secular and ecclesiastical ministry of the Progressive Church. No other entity or person has been authorized by the Progressive Church to use the property at 219 Crescent Avenue in Sumter, South Carolina.

12. Under my leadership as pastor of the Sumter Congregation, parishioners of the Hopkins Congregation, who also served under my ecclesiastical leadership, and other parishioners

of Progressive Church congregations made significant contributions of in kind labor and financial donations to initially renovate the building at 219 Crescent Avenue for use as a church sanctuary.

13. In July of 1998, at my request, the Progressive Church applied for a Federal Employer Identification Number (FEIN) through which it would operate the business affairs and finances of its Sumter Congregation. The FEIN application listed me as the principal officer for the Sumter Congregation on behalf of the Progressive Church.

14. In 2002, the Progressive Church assigned Ricky Finklea to provide subordinate ministerial support to me at the Sumter Congregation.

15. In July 2003, I and others in the leadership of the Progressive Church, ordained Finklea an elder and appointed him to serve as pastor of the Sumter Congregation under my direct supervision. Attached hereto as **Exhibit 2** is a true and accurate copy of a photograph taken during the Progressive Church's Annual Holy Convocation in July of 2003, during which I, and Bishop Theodore Jenkins, Sr., and Bishop Lang Priester performed the ecclesiastical anointing and laying on of hands ceremony for the ordination of Finklea. In the role of elder and pastor of the Progressive Church's Sumter Congregation, I and others in the Progressive Church's leadership expressly instructed Finklea that he served under the authority of the Progressive Church and in a confidential and fiduciary relationship with the Progressive Church, which Finklea agreed to serve in such capacity. I also gave Finklea custody and control of monies and property, both real and personal, owned by the Progressive Church, and instructed Finklea of his duties to safeguard such monies and property, both real and personal, exclusively for furtherance of the secular and ecclesiastical ministry of the Progressive Church.

16. On July 3, 2003, Finklea was required to sign, and did sign, a Ministerial Reaffirmation Statement confirming his responsibility to honor the leadership of the Progressive

Church in “all things.” **Exhibit 3** attached hereto is a true and accurate copy of the Ministerial Reaffirmation Statement signed by Finklea as required by the leadership of the Progressive Church at the time of his ordination.

17. On May 6, 2005 the Progressive Church purchased the properties at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina (bearing Tax Map Numbers 228-04-02-072, 228-04-02-071, and 228-04-02-067) for a purchase price of \$48,000. The Progressive Church authorized Bishop Edward Smith and me to execute the closing documents on behalf of the Progressive Church, titling the property in the corporation’s name. The Progressive Church remitted funds at closing for the full purchase price of \$48,000 solely from banking accounts owned and controlled by the Progressive Church. **Exhibit 4** attached hereto is a true and accurate copy of the deed to the properties referenced in this paragraph.

18. At all times after its purchase in 2005 the properties at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina (bearing Tax Map Numbers 228-04-02-072, 228-04-02-071, and 228-04-02-067) have been owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation for furtherance of the secular and ecclesiastical ministry of the Progressive Church. No other entity or person has been authorized by the Progressive Church to use the properties at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina (bearing Tax Map Numbers 228-04-02-072, 228-04-02-071, and 228-04-02-067).

19. In 2007, the Progressive Church placed the Sumter Congregation in a district of Progressive Church local congregations directly overseen by a district bishop assigned by the Board of Bishops and ultimately overseen by the Board of Bishops. I was formally named as the

District Bishop to oversee the Sumter Congregation and Finklea in his role as pastor of the Sumter Congregation.

20. On August 17, 2019, Finklea attended a meeting held at the Progressive Church's Headquarters in Columbia, South Carolina. The August 17, 2019 meeting was exclusively for pastors and elders of the Progressive Church. I attended this meeting and personally observed Finklea actively participate by making a presentation during the meeting agenda. At no time during the August 17, 2019 meeting of Progressive Church pastors and elders did Finklea indicate that he was a part of the New Life Apostolic Church, Inc. At no time during the August 17, 2019 meeting of Progressive Church pastors and elders did Finklea indicate that he was no longer a part of the Progressive Church.

21. The Board of Bishops has never authorized New Life Apostolic Church, Inc. to possess, occupy, use or enjoy any properties in Sumter, South Carolina owned by the Progressive Church.

22. The Board of Bishops has never authorized Finklea to possess, occupy, use or enjoy any properties in Sumter, South Carolina owned by the Progressive Church other than in Finklea's ecclesiastical capacity as pastor of the Sumter Congregation.

23. Prior to filing the original Complaint in this action, Finklea and New Life Apostolic Church, Inc. (NLAC) never expressed to the Board of Bishops any claims of ownership rights to any real properties owned by the Progressive Church.

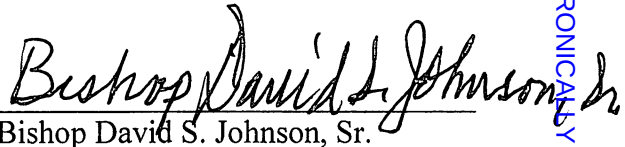
24. Finklea's actions and statements indicate that he has held himself out as both pastor of the Sumter Congregation and as pastor of NLAC for an undetermined period of time, but at least as far back as December 3, 2014.

25. Acting as part of the leadership of the Progressive Church, and as the person who established the Sumter Congregation under the hierarchical authority of the Progressive Church, I unequivocally state that NLAC is not the successor in interest to the Sumter Congregation that I established and for whose use the Progressive Church purchased real property in Sumter, South Carolina. No successor in interest exists to the Sumter Congregation and the Sumter Congregation remains a part of the Progressive Church.

FURTHER AFFIANT SAYETH NOT.

[Signature appears on following page]

This 30th day of March, 2021.

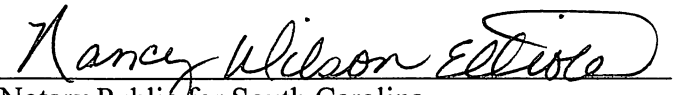


Bishop David S. Johnson, Sr.
Member of the Board of Bishops of
the Progressive Church of Our Lord
Jesus Christ, Inc.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The foregoing instrument was acknowledged before me, Nancy Wilson Elliott, a notary public of the State of South Carolina this 30th day of March, 2021 by Bishop David S. Johnson, Sr., Member of the Board of Bishops of Progressive Church of Our Lord Jesus Christ, Inc.


Notary Public for South Carolina

Notary Name Printed: Nancy Wilson Elliott

My Commission Expires: June 23, 2025

[SEAL]

HSB 6616607 v.2

ROA 00254

RECORDED
MAR 12 PM 4:22
SUMTER COUNTY, S.C.

RECORDED
VOL. 714 PG. 585
SUMTER COUNTY, S.C.

Space above this line for recording information

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) DEED

KNOW ALL MEN BY THESE PRESENTS, That HARRELSON LAND COMPANY (hereafter called "Grantor"), for and in consideration of the sum of FIFTY-NINE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 (\$59,750.00) Dollars to the Grantor in hand paid at and before the sealing of these presents, by THE PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC. (hereinafter called "Grantee") in the State aforesaid, (the receipt of which is hereby acknowledged) has granted, bargained, sold and released, and by the Presents does grant, bargain, sell and release unto the Grantee, its successors and assigns:

All that certain piece, parcel or lot of land, with any improvements thereon, situate, lying and being on the southwestern corner of Crescent Avenue and North Main Street in the City and County of Sumter, State of South Carolina, being shown as Parcel A on a Plat showing lots to be conveyed to the Progressive Church of Our Lord Jesus Christ, Inc. Said Parcel A is composed of Lots known as 219 Crescent Avenue, being the western portion of Lots 14 and 15 and Parcel known as 516 North Main Street, being the eastern portion of the original lots 14 and 15, shown on a plat recorded in Plat Book Z-11 at page 24, and Parcel known as 512 and 514 North Main Streets, being shown as Lots A and C on a plat recorded in Plat Book G-5 at page 171. Said Parcels are shown together as Parcel "A" on a plat prepared for Progressive Church of Our Lord Jesus Christ by Black River Land Surveying dated August 8, 1998 and recorded in Plat Book 18 at Page 240 in the Office of Sumter County Register of Deeds and said lot having the boundaries and dimensions as shown on said plat which are incorporated herein by reference.

This is the same property conveyed to Harrelson Land Company by deed from James D. Harrelson, Sr. dated 04-07-92 recorded on 6-02-92 in book 548 at page 198. (219 Crescent Avenue (western portion of Lots 14 & 15)) Also property conveyed to Harrelson Land Company by deed from James D. Harrelson, Sr. dated 12-31-91 recorded on 12-31-91 in book 538 at page 362. (512, 514 & 516 N. Main Street)

TO FEE: \$ 10.00
NOTARY FEE: \$ 66.00
RECORDER FEE: \$ 156.00
TOTAL FEES PAID: \$ 232.00

John D. Harrelson, Sr.
10/29/21
Sumter, SC

RECORDED
VOL. 714 PG. 586
SUMTER COUNTY, S.C.

Grantee's Address: 6844 Lower Richland Blvd.
Hopk. N.S., SC 29061
TMS: 228-04-02-056; 057 and 058

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the Grantee, their Heirs and Assigns forever.

And the Grantor does hereby bind Grantor and Grantor's Heirs, successors and assigns, to warrant and forever defend all and singular the premises unto the Grantee, Its Successors, and Assigns against Grantor and Grantor's Heirs, successors and every person whomsoever lawfully claiming or to claim the same, or any part thereof.

Any reference in this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and Seal.

Date: August 10, 1998

Signed, Sealed and Delivered
In the Presence of:

[Signature]
[Signature]

HARRELSON LAND COMPANY

BY: [Signature] (Seal)
ITS: Gen. Mgr.

RECORDED
VOL. 714 PG. 587
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) PROBATE

PERSONALLY appeared before me the undersigned witness, who, being duly sworn, says that (s)he saw the within-in named Grantor sign, seal and deliver the within Deed; and that (s)he with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me (date) 10 Aug 98

J. K. [Signature] (Seal)
Notary Public for South Carolina
My Commission expires: 14 Oct 2007

[Signature]
(Witness)

THIS DOCUMENT WAS FILED ON:

August 12, 1998 AT 1:22 PM

RECORDED: VOL. 714 PG. 585

JANICE M. REARDEN
REGISTER OF DEEDS
SUMTER COUNTY, S.C.



***Ordination during the 59th Annual Holy Convocation for
(L—R): Elders James Robins, Phil Ross, and Ricky Finklea***

PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.

2222-24 Barhamville Road
Columbia, South Carolina 29204-1203

MINISTERIAL REAFFIRMATION STATEMENT

July 3, 2003

I, Ricky Finley understand that I accepted ordination and/or license, and appointment from the Progressive Church of Our Lord Jesus Christ, Inc., with the commitment and understanding that I am to uphold the apostolic doctrine as taught by the Progressive Church of Our Lord Jesus Christ, Inc., and to honor its leadership in all things. If at any time I cannot honor this commitment, I will honorably submit my license and relinquish all assigned positions in the Progressive Church of Our Lord Jesus Christ, Inc.

EXHIBIT 4

BOOK:980 PAGE:0037

FILED, RECORDED, INDEXED
05/10/2005 01:11:08 PM
REC. FEE: 10.00 CO FEE: 52.80
STATE FEE: 124.80 TOTAL FEES: 187.60
PAGES: 5
VICKI M. MCCARTHY - REGISTER OF DEEDS
SUMTER COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT

DOROTHY Z. NEAL and HETTIE M. McFADDEN

for and in consideration of the sum of Five dollars and other valuable consideration (\$5.00), to us in hand paid at and before sealing of these presents by

PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.,
whose address is: 219 Crescent Avenue, Sumter, SC 29150

in the State aforesaid, County aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said: **Progressive Church of Our Lord Jesus Christ, Inc.,** its successors and assigns forever, the following described property to wit:

SEE ATTACHED SCHEDULE "A" FOR LEGAL DESCRIPTION.

This conveyance is subject to all visible and recorded covenants, rights-of-way and easements affecting said property.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging, or anywise incident or appertaining.

TO HAVE AND HOLD, all and singular, the said Premises before mentioned unto the said **Progressive Church of Our Lord Jesus Christ, Inc.,** its successors and assigns forever.

And we do hereby bind ourselves and our heirs, assigns, executors and administrators, to warrant and forever defend, all and singular, the said Premises unto the said **Progressive Church of Our Lord Jesus Christ, Inc.,** its successors and assigns, against ourselves and our heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

RETURN TO:
JONES, SETH, SHULER & KILLEN, L.L.P.

File Number: 12390.00-R200

ROA 00260

ELECTRONICALLY FILED - 2021 Mar 31 4:06 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

WITNESS our hand(s) and seal(s) this 19th day of October, 2004.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Cassandra Powell
Witness #1
Donella M. Reed
Witness #2

Dorothy Z. Neal (L.S.)
DOROTHY Z. NEAL

STATE OF NEW YORK)

COUNTY OF Nassau)

ACKNOWLEDGMENT

I, Cassandra Powell {name of official}, Notary Public in and for the State of New York, do hereby certify that DOROTHY Z. NEAL {name of grantor or maker} personally appeared before me this 19th day of October, 2004, and acknowledged the due execution of the foregoing instrument.

Cassandra D. Powell
SIGNATURE OF OFFICIAL OR NOTARY PUBLIC

My Commission Expires: 5/8/08

CASSANDRA POWELL
Notary Public, State of New York
No. 01PO4774696
Qualified in Nassau County
Commission Expires 05/08/08

WITNESS our hand(s) and seal(s) this 28 day of October, 2004.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Lafayette A. McFadden
Witness #1

Hettie M. McFadden (L.S.)
HETTIE M. McFADDEN

[Signature]
Witness #2

STATE OF MARYLAND

COUNTY OF Baltimore

ACKNOWLEDGMENT

I, Cheryl Shawther {name of official}, Notary Public in and for
the State of Maryland, do hereby certify that HETTIE M. McFADDEN {name of grantor
or maker} personally appeared before me this 28 day of October, 2004, and acknowledged
the due execution of the foregoing instrument.

Cheryl Shawther
SIGNATURE OF OFFICIAL OR NOTARY PUBLIC
My Commission Expires: 10/29/05

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

AFFIDAVIT

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

1. Property located at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street, Sumter, SC, bearing Sumter County Tax Map Numbers 228-04-02-072, 228-04-02-071 and 228-04-02-067, was transferred by Dorothy Z. Neal and Hettie M. McFadden to Progressive Church of Our Lord Jesus Christ, Inc. on May 6, 2005.

The transaction was (Check one):

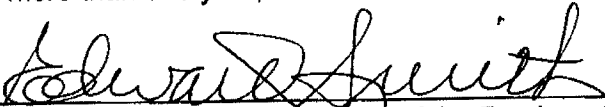
 X an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$ 48,000.00.

 not an arm's length real property transaction and the fair market value of the property is \$.

The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. § 12-24-10 et. seq. because the deed is:

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

I further understand that a person required to furnish this affidavit who wilfully 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.


Purchaser, Legal Representative of the Purchaser, or
other Responsible Person Connected with the Transaction

SWORN to before me this
6th day of May, 2005.

Monica S. Bruce, L.S.
Notary Public for South Carolina
My Commission Expires: 1/08/09

SCHEDULE "A"

LEGAL DESCRIPTION OF PROPERTY

Property Address: 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street
Sumter, SC 29150

Property Description:

All that certain piece, parcel, or lot of land, together with the improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated as **Lot No. 20** on that plat prepared by H. S. Willson, RLS, dated September 24, 1981 and recorded in **Plat Book Z-45 at page 432** in the records of the Register of Deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounds as permitted by law under § 30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 502 North Main Street, Sumter, SC.

Tax Parcel No.: 228-04-02-072.

This being the identical property conveyed to Dorothy Z. Neal by that deed of Hettie M. McFadden dated November 5, 1981 and recorded November 9, 1981 in **Deed Book 299 at page 486**, aforesaid records.

ALSO, all that certain piece, parcel, or lot of land, together with the improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated as **Lot No. 19** on that plat prepared by H. S. Willson, RLS, dated September 24, 1981 and recorded in **Plat Book Z-45 at page 432** in the records of the Register of Deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounds as permitted by law under § 30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 504 North Main Street, Sumter, SC.

Tax Parcel No.: 228-04-02-071.

This being the identical property conveyed to Hettie M. McFadden by that deed of Dorothy Z. Neal dated November 5, 1981 and recorded November 9, 1981 in **Deed Book 299 at page 478**, aforesaid records.

ALSO, all that certain piece, parcel, or lot of land, together with any improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated on that plat prepared by H. S. Willson, RLS, dated August 19, 1972 and recorded in **Plat Book Z-36 at page 128** in the records of the Register of Deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounds as permitted by law under § 30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 508 North Main Street, Sumter, SC.

Tax Parcel No.: 228-04-02-067.

This being a portion of that property conveyed to Hettie M. McFadden and Dorothy Z. Neal by that deed of Rachel L. Williams dated May 16, 1983 and recorded May 27, 1983 in **Deed Book 336 at page 598**, aforesaid records. Affidavits of Devise / Descent from Rachel L. Williams and Willie Mae Mollette were secured by G. Werber Bryan, Esquire, as of May 27, 1983, at the closing of the sale of said property to Hettie M. McFadden and Dorothy Z. Neal, indicating that Rachel L. Williams was the sole heir of her deceased sister, Wilhelminia Bryant, who held the property in common with Mrs. Williams prior to the sister's death.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Case Number: 2020-CP-43-01863

New Life Apostolic Church, Inc., and Ricky
Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ,
Inc., Theodore Jenkins, Sr., Lang Priester,
David S. Johnson, Sr., and Paul C. Johnson

Defendants.

AFFIDAVIT OF BISHOP PAUL C. JOHNSON

Upon penalty of perjury, I, Bishop Paul C. Johnson, having first been duly sworn, depose
and say:

1. I am a citizen and resident of Hinesville, Georgia; I am over the age of eighteen;
and I have personal knowledge of and am competent to swear to the facts set forth in this affidavit.

2. I am a member and Secretary of the Board of Bishops ("Board") of the Progressive
Church of Our Lord Jesus Christ, Inc. ("Progressive Church" or "Church"), a hierarchical non-
profit religious corporation organized under the laws of South Carolina, with its principal place of
business in Columbia, South Carolina.

3. I have attended the Progressive Church, as a parishioner, since my birth in 1956.
As a result of my life-long involvement with the Church, I am very aware of the history of the
Church, particularly the facts recited in this affidavit.

4. I have served as a member of the Board of Bishops since May of 2007 and have been a member of the Progressive Church clergy since 1982.

5. The Progressive Church began in 1944 in Columbia, South Carolina as an unnamed unincorporated church.

6. On October 5, 1953, the Church, which at the time consisted of approximately four local congregations, was converted from an unnamed unincorporated church to a nonprofit corporation under South Carolina law. At that time, the Church was formally named Progressive Church of Our Lord Jesus Christ, Inc. because of its “progress” and growth. The incorporating documents for the Progressive Church confirm that the Progressive Church “holds, or desires to hold, property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes.” **Exhibit 1** attached hereto is a true and accurate copy of the Declaration and Petition and Articles of Incorporation filed in the South Carolina Secretary of State’s Office.

7. The Progressive Church maintains its headquarters in Columbia, South Carolina.

8. The August 18, 1983, Church Constitution (“Church Constitution”) is the current and official bylaws and governing instrument of the Progressive Church.

9. The Progressive Church is a hierarchical, Apostolic religious organization and promotes its doctrinal beliefs and worship practices through religious programs and services. The Church Constitution provides in Article I, Sections III and IV and in Article III, Section II, that the Church functions on national (all local congregations), district (groupings of congregations), and local (individual congregation) levels and is governed at all levels by the Board of Bishops. **Exhibit 2** attached hereto is a true and accurate copy of the Church Constitution.

10. The local congregations of the Progressive Church are established by and governed under the hierarchical authority of the Progressive Church and are organized as a body of churches that operate by the same faith, doctrine and administration. In some instances, the Progressive Church admits existing local congregations into the Progressive Church, upon approval by the Board of Bishops. The Progressive Church has operated under a governance system of hierarchical polity and has generally observed an annual ruling holy convocation since its founding.

11. The Progressive Church establishes financial assessments for the local congregations, and establishes rules of order, faith, doctrine, administration and standards by which it requires each of its local congregations to operate.

12. As of the date of this affidavit, the Progressive Church has approximately twenty-three physical locations (“local congregation(s)”) in the states of South Carolina, North Carolina, Georgia, Florida, and New York, each established by the Church upon approval of the Board of Bishops.

13. With respect to ecclesiastical and secular matters, the highest ecclesiastical tribunal and governing board in the Progressive Church is its Board of Bishops. No other individuals or bodies within the Progressive Church have any such governance authority or power. The current members of the Progressive Church’s Board of Bishops are Bishop Theodore Jenkins, Sr., Presiding Bishop, Bishop Paul C. Johnson, Board Secretary, Bishop David S. Johnson, Sr., and Bishop Lang Priester. The current members of the Progressive Church’s Board of Bishops are duly appointed and authorized to make governance decisions on behalf of the Progressive Church. **Exhibit 3** attached hereto is a true and accurate copy of information on the Board as published in the 2009 65th Anniversary Historical Journal of the Progressive Church.

14. The Church owns real property in the states of North Carolina, South Carolina, Georgia and Florida and, beginning in or about 1958, has titled real property in its corporate name: Progressive Church of Our Lord Jesus Christ, Inc. These properties are used as places of worship for local congregations established by and governed under the authority of the Progressive Church, with local property maintenance responsibilities generally attended to by the local congregation.

15. It is the interpretation of the Progressive Church's Board of Bishops that, according to its Church Constitution and administrative practices, if clergy and/or saints of a local congregation of the Progressive Church withdraw from the Progressive Church, title to church property previously used and/or occupied by the local congregation remains in the Progressive Church and does not follow the congregation, unless otherwise expressly approved by the Board of Bishops.

16. The Progressive Church has ecclesiastical or spiritual members that we often refer to as "saints," "parishioners," or "members of our church," but it does not have corporate "member[s]" as defined in the South Carolina Nonprofit Corporation Act. S.C. Code Ann. § 33-31-140(23)(a). The Progressive Church has never operated as a congregational church. As a hierarchical church, and in accordance with the Church's long-standing belief of biblical principles, saints have never in the Church's history had authority to vote for members of the Board, to vote on matters of ecclesiastical or secular governance, or authority to govern the church by any type of majority vote. Saints do not govern the spiritual and secular affairs of the Progressive Church or its local congregations, but obey the spiritual teachings of the Board of Bishops and pastors appointed by the Board.

17. According to Article IX of the Church Constitution, the Progressive Church generally convenes an annual ruling holy convocation during which saints from all local

congregations of the Church gather for spiritual instruction, fellowship and direction regarding the spiritual and secular governance of the Church.

18. According to Article III, Section V of the Church Constitution, pastors of local Progressive Church congregations, including individual members of the Board of Bishops, are credentialed and appointed by the Board and such pastors serve under the authority of the Board, subject to removal or reassignment at any time by decision of the Board.

19. Pastors of local congregations, including individual members of the Board of Bishops, and local congregations, including individual parishioners, are required to abide by the bylaws and directives of the Board of Bishops as set forth in the Church Constitution.

20. I am aware of the June 2010 Order for Judgment by Judge S. Bryan Doby in *Progressive Church of Our Lord Jesus Christ, Inc. v. Black, et al.*, Case No. 28-CP-31-0022, in which Judge Doby applied the court's interpretation of the Church Constitution in contradiction to the interpretation given by the Board of Bishops as the highest governance authority in the Progressive Church.

21. Following the June 2010 Order for Judgment, the Board of Bishops, upon the advice of legal counsel, continued to govern the Progressive Church as that Court did not have legal authority to determine the ongoing ecclesiastical governance of the Progressive Church according to long-standing precedent established by rulings of the United States Supreme Court and the South Carolina Supreme Court. In February of 2019, the Progressive Church took all necessary steps to address any perceived deficiencies according the interpretation of the Church Constitution applied by the June 2010 Order for Judgment and such perceived deficiencies, as identified the Order of Judgment, were fully cured and no longer exist according to the present interpretation of the Church Constitution as determined by the Board of Bishops.

22. Since adoption of the Church Constitution in 1983, there has never been a time when all members of the Board of Bishops were dead or incapacitated thereby requiring the procedures in Article V of the Church Constitution to name an Acting Presiding Bishop or Acting Assistant Presiding Bishop.

23. It is my understanding that the email address “pcsumter@yahoo.com” was created as an abbreviation for the local congregation of the Progressive Church of Sumter, South Carolina and used by Elder Ricky Finklea (“Finklea”) in the conduct of his ministerial duties associated with the Sumter Congregation of the Progressive Church.

24. Using the email address pcsumter@yahoo.com, on March 6, 2019, Finklea sent an email communication to members of the Board of Bishops of the Progressive Church, including Bishop Edward Smith, Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and me regarding ecclesiastical matters pertaining exclusively to the Progressive Church. Finklea represented that he sent the email communication on behalf of various pastors, elders and ministers of the Progressive Church.

25. On March 8, 2019, Finklea attended a meeting held at the Progressive Church’s Headquarters Office in Columbia, South Carolina. The March 8, 2019 meeting was called by the Board of Bishops and was exclusively for pastors of local congregations of the Progressive Church. I attended this meeting and personally observed Finklea actively participate in the pastors meeting by making various comments regarding ecclesiastical matters pertaining exclusively to the Progressive Church. At no time during the March 8, 2019 meeting of Progressive Church pastors did Finklea indicate that he was a part of the New Life Apostolic Church, Inc. (“NLAC”). At no time during the March 8, 2019 meeting of Progressive Church pastors did Finklea indicate that was no longer a part of the Progressive Church.

26. Using the email address pcsunter@yahoo.com, on March 11, 2019, Finklea sent an email communication to members of the Board of Bishops of the Progressive Church, including Bishop Edward Smith, Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and me regarding ecclesiastical matters pertaining exclusively to the Progressive Church. Finklea represented that he sent the email communication on behalf of a group of pastors of the Progressive Church.

27. On March 30, 2019, Finklea attended a meeting held at the Progressive Church's Headquarters Office in Columbia, South Carolina. The March 30, 2019 meeting was exclusively for all clergy of the Progressive Church. Finklea actively participated in the clergy meeting. At no time during the March 30, 2019 meeting of Progressive Church clergy did Finklea indicate that he was a part of NLAC. At no time during the March 30, 2019 meeting of Progressive Church clergy did Finklea indicate that he was no longer a part of the Progressive Church. On March 30, 2019, Finklea participated in an individual photo shoot for all clergy of the Progressive Church, which was necessary for issuance of new Progressive Church Ministerial Credentials. Finklea's son, David J. Finklea, conducted the photo shoot for the Progressive Church's clergy. Finklea received and accepted new Progressive Church Ministerial Credentials which displayed the picture of Finklea taken on March 30, 2019 at the Progressive Church's Headquarters and identified Finklea as "an ordained minister serving the Progressive Church of Our Lord Jesus Christ, Inc. Headquarters at 2222-24 Barhamville Road Columbia, SC 29204 Expiration Date: July 1, 2020." **Exhibit 4** attached hereto is a true and accurate copy of the Progressive Church Ministerial Credentials issued to Finklea as referenced in this paragraph and which displays the photo taken by Finklea during the photo for all clergy of the Progressive Church.

28. Using the email address pcsumter@yahoo.com, on September 11, 2019, Finklea sent an email communication to members of the Board of Bishops of the Progressive Church, including Bishop Edward Smith, Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and me regarding ecclesiastical matters pertaining exclusively to the Progressive Church. Finklea represented that he sent the email communication on behalf of a group of pastors and elders of the Progressive Church.

29. The Board of Bishops of the Progressive Church duly authorized the execution of a deed, dated September 20, 2019 to place express restrictions against unauthorized transfer on properties in Sumter, South Carolina owned by the Progressive Church. **Exhibit 5** attached hereto is a true and accurate copy of the deed dated September 20, 2019 as referenced in this paragraph.

30. Using the email address pcsumter@yahoo.com, on October 17, 2019, Finklea sent an email communication to members of the Board of Bishops of the Progressive Church, including Bishop Edward Smith, Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and me regarding ecclesiastical matters pertaining exclusively to the Progressive Church. Finklea represented that he sent the email communication on behalf of a group of pastors and elders of the Progressive Church.

31. Using the email address pcsumter@yahoo.com, on October 25, 2019, Finklea sent an email communication to members of the Board of Bishops of the Progressive Church, including Bishop Edward Smith, Bishop Theodore Jenkins, Sr., Bishop Lang Priester, Bishop David S. Johnson, Sr., and me, and to all pastors of the Progressive Church regarding ecclesiastical matters pertaining exclusively to the Progressive Church. Finklea represented that he sent the email communication on behalf of a group of pastors and elders of the Progressive Church.

32. Until the Progressive Church discovered the existence of NLAC in 2019, Finklea concealed from the Progressive Church's Board of Bishops the existence of NLAC, his role within NLAC, and NLAC's use of the Sumter Property as a ministry separate and distinct from the Progressive Church.

33. It is my understanding that in 2019, Finklea and NLAC defaced, with black paint or other dark covering materials, and damaged a sign displaying the name Progressive Church of Our Lord Jesus Christ, Inc. (the "PC Sign") at property owned by the Progressive Church at 219 Crescent Avenue in Sumter, South Carolina (bearing Tax Map Number 228-04-02-056). The PC Sign was originally purchased and erected at the Progressive Church's Headquarters in Columbia, South Columbia, and later relocated to the Sumter Property, all at significant cost to the Progressive Church. Finklea and NLAC did not receive permission or authorization from the Progressive Church to deface the PC Sign.

34. It is my understanding that at some point in 2019, Finklea and NLAC installed a sign displaying New Life Apostolic Church (the "NLAC Sign") at property owned by the Progressive Church at 219 Crescent Avenue in Sumter, South Carolina (bearing Tax Map Number 228-04-02-056). The Progressive Church's Board of Bishops had no knowledge of the NLAC Sign at the time it was placed upon the Sumter Property. In or about November of 2019, the Progressive Church discovered the NLAC Sign placed at the Progressive Church's property in Sumter, South Carolina. Finklea and NLAC did not receive permission or authorization from the Progressive Church to install the NLAC Sign.

35. On November 8, 2019, the Progressive Church issued to Finklea a written letter expressing concerns after learning that Finklea was using the Progressive Church's property in Sumter, South Carolina to operate NLAC without the permission of the Progressive Church. The

November 8, 2019 letter expressly objected to the NLAC Sign erected without authorization of the Progressive Church and directed Finklea to remove the sign by November 22, 2019. The November 8, 2019 letter also informed Finklea that failure to adhere to the ecclesiastical directives of the Board of Bishops would result in an Ecclesiastical Trial under the Church Constitution. The November 8, 2019 letter was sent to Finklea in accordance with the Progressive Church's doctrinal beliefs on how to resolve matters of conflict as set forth in the biblical passage of Matthew 18:15-20. Finklea received the November 8, 2019, letter from the Progressive Church, but did not abide by the directives set forth in the letter nor honor the Progressive Church's request for a meeting to discuss concerns over Finklea's newly discovered actions. **Exhibit 6** attached hereto is a true and accurate copy of the letter issued by the Progressive Church to Finklea on November 8, 2019.

36. On November 22, 2019, the Progressive Church issued to Finklea a written Notice of Ecclesiastical Trial under Article VIII, Section I of the Church Constitution and included several "Accusations and Charges of Improper Conduct Against Elder Ricky Finklea." The November 22, 2019 letter notified Finklea that the Ecclesiastical Trial would take place on December 6, 2019 at the Progressive Church's Headquarters in Columbia, South Carolina and expressly stated that Finklea was required to attend. **Exhibit 7** attached hereto is a true and accurate copy of the Notice of Ecclesiastical Trial and Accusations and Charges of Improper Conduct issued by the Progressive Church to Finklea on November 22, 2019.

37. Finklea received the November 22, 2019 Notice of Ecclesiastical Trial and Accusations and Charges of Improper Conduct issued by the Progressive Church. Finklea did not attend the Ecclesiastical Trial on December 6, 2019 and did not provide advance notice of his absence nor request to be excused from attendance.

38. Based on the information presented during the Ecclesiastical Trial, the Progressive Church's Board of Bishops determined that Finklea was guilty of all ecclesiastical charges against him and affirmed that both Finklea and NLAC had no right to use, possess, or occupy the Progressive Church's Sumter Property.

39. The Board of Bishops prayerfully chose to withhold immediate ecclesiastical discipline and to exercise patience with Finklea in hope that he would repent of his improper and insubordinate acts.

40. On December 14, 2019, Finklea attended a meeting held at the Progressive Church's Headquarters in Columbia, South Carolina. The December 14, 2019 meeting was exclusively for pastors and elders of the Progressive Church. I attended the December 14, 2019 meeting and observed Finklea actively participate in the pastors and elders meeting. I personally heard Finklea make comments that the December 14, 2019 was a private meeting exclusively for Progressive Church pastors and elders and, when objecting to the presence of the Progressive Church's legal counsel, state that no individuals other than Progressive Church pastors and elders should be permitted to attend the December 14, 2019 meeting. At no time during the December 14, 2019 meeting of Progressive Church pastors and elders did Finklea indicate that he was a part of NLAC. At no time during the December 14, 2019 meeting of Progressive Church pastors and elders did Finklea indicate that was no longer a part of the Progressive Church and attending in the capacity of an unaffiliated visiting minister. Finklea, through his presence, actions, and statements, represented himself as a pastor and elder of the Progressive Church during the December 14, 2019 meeting.

41. On numerous occasions between 2014 and 2020, Finklea attended Progressive Church ecclesiastical meetings, worship services, Progressive Church clergy meetings and other

events both virtually and at various Progressive Church local congregations and elsewhere. When preaching at Progressive Church events, Finklea has been introduced as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and has at no time publicly disagreed with, corrected, or restated a verbal and public introduction as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina. In none of the aforementioned meetings of Progressive Church clergy and congregants did Finklea indicate that he was a part of NLAC and no longer a part of the Progressive Church, but rather at all times held himself out as a pastor and elder within the Progressive Church.

42. As recently as November 21, 2020, Finklea participated in the funeral service and rites for Bishop Edward Smith at the Progressive Church in Columbia, South Carolina, which I also attended. Finklea offered the invocation during the November 21, 2020 funeral service and rites. Finklea, as listed in the written funeral program and as publicly stated during the funeral service and obsequies, was introduced as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and at no time publicly disagreed with, corrected, or restated the introduction given to him as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina. **Exhibit 8** attached hereto is a true and accurate copy of the written funeral program as referenced in this paragraph.

43. On December 11, 2020, after persistent ecclesiastical defiance by Finklea, I sent a letter to Finklea, on behalf of the Board of Bishops, notifying him of the Ecclesiastical Trial results and informing him of required ecclesiastical actions that he must take to remain with the Progressive Church. The December 11, 2020 letter also informed Finklea that he and NLAC must fully vacate the property in Sumter, South Carolina owned by the Progressive Church if he did not comply with the final directives from the Board of Bishops. **Exhibit 9** attached hereto is a true

and accurate copy of the letter issued to Finklea on December 11, 2020 as referenced in this paragraph. Finklea and NLAC failed to obey the directives of the Progressive Church's December 11, 2020 letter.

44. On January 25, 2021, I sent a letter to Finklea, on behalf of the Board of Bishops, notifying Finklea that the Board of Bishops acknowledged and accepting Finklea's disassociation as a parishioner of the Progressive Church, revoking all ministerial credentials and licenses issued to Finklea to operate as a member of the clergy, and rescinding Finklea's authority to operate in any capacity of ministry within the Progressive Church. **Exhibit 10** attached hereto is a true and accurate copy of the letter I sent to Finklea on January 25, 2021 as referenced in this paragraph.

45. On January 29, 2021, Finklea sent a letter to me, acknowledging receipt of my January 25, 2021 letter and confirming Finklea's disassociation as a parishioner and member of the clergy of the Progressive Church. **Exhibit 11** attached hereto is a true and accurate copy of the letter sent to me by Finklea on January 29, 2021 as referenced in this paragraph.

46. At no time has the Board of Bishops authorized NLAC or Finklea, in his capacity as pastor of NLAC, to use or occupy properties at 219 Crescent Avenue, 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina (bearing Tax Map Numbers 228-04-02-056, 228-04-02-072, 228-04-02-071, and 228-04-02-067) or any other properties owned by the Progressive Church.

47. The Board of Bishops, as the highest ecclesiastical authority within the Progressive Church, has determined that NLAC and Finklea are improperly using and occupying properties owned by the Progressive Church and located at 219 Crescent Avenue, 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina (bearing Tax Map Numbers

228-04-02-056, 228-04-02-072, 228-04-02-071, and 228-04-02-067) and has determined that such improper use and occupancy should immediately cease.

48. As of the date of this affidavit, Finklea and NLAC remain upon the Sumter Property without permission from the Progressive Church.

FURTHER AFFIANT SAYETH NOT.

[signature page to follow]

This 25th day of March, 2021.

Paul C. Johnson
Bishop Paul C. Johnson
Secretary of the Board of Bishops of
the Progressive Church of Our Lord
Jesus Christ, Inc.

STATE OF GEORGIA

COUNTY OF LIBERTY

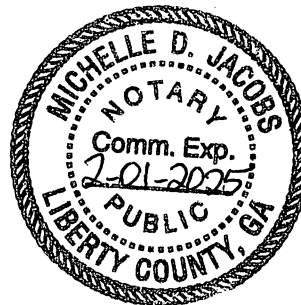
The foregoing instrument was acknowledged before me, Michelle D. Jacobs, a notary public of the State of Georgia this 25 day of March, 2021 by Bishop Paul C. Johnson, Secretary of the Board of Bishops of Progressive Church of Our Lord Jesus Christ, Inc.

Michelle D. Jacobs
Notary Public for Georgia

Notary Name Printed: Michelle D. Jacobs

My Commission Expires: 2/01/2025

HSB 6616822 v.3



[SEAL]

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H.C. JENKINS, ATTY
1107 1/2 WASH

Declaration and Petition for Incorporation

The undersigned declarants and petitioners.

NAME	RESIDENCE
J. D. Williams	2211 Senate St., Columbia, S. C.
J. G. Washington	2209 Senate St., Columbia, S. C.

being two or more of the officers or agents appointed to supervise or manage the affairs of

Progressive Church of Our Lord Jesus Christ, Inc.

a Church which has been duly and regularly organized for the purposes hereinafter to be set forth, do affirm and declare:

That at a meeting of the aforesaid organization, held pursuant to the by-laws or regulations of the said organization, they were authorized and directed to apply for incorporation.

That the said organization holds, or desires to hold, property in common for a Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of profit or gain to the members, otherwise than is above stated, or for the insurance of life, health, accident or property; and that three days' notice in the

"State"

a newspaper published in the

County of Richland, has been given that the aforesaid Declaration would be filed.

The said Declarants and Petitioners further declare and affirm:

FIRST. Their names and residences are as above given.

SECOND. The name of the proposed Corporation is

Progressive Church of Our Lord Jesus Christ, Inc.

THIRD. The place at which it proposes to have its headquarters or to be located is

2217 Waverly Street, Columbia, South Carolina

FOURTH. The purpose of the said proposed Corporation is to promote a spirit of brotherhood and a closer association between the members of our church; to promote the teachings of our order and to assist in ^{Religious} ~~church~~ work of any nature helpful to the members of the order and the community at large.

FIFTH. The names and residences of all Managers, Trustees, Directors or other officers, are as follows:

NAMES	RESIDENCE	OFFICE
J. D. Williams	Columbia, S. C.	Senior Bishop, Founder
J. G. Washington	Columbia, S. C.	Minister
Herman A. Jackson	Columbia, S. C.	Trustee
Raymond Thompson	Columbia, S. C.	Trustee
Edward Smith	Columbia, S. C.	Trustee
Calvin Jackson	Columbia, S. C.	Trustee
Malon Poolock	Columbia, S. C.	Trustee

SIXTH. That they desire to be incorporated in perpetuity (~~an number of years~~).

Wherefore your petitioners pray that the Secretary of State do issue to the aforesaid

Progressive Church of Our Lord Jesus Christ, Inc.

(Repeat name of Association)

A Certificate of Incorporation, with all rights, powers, privileges and immunities, and subject to all the limitations and liabilities conferred by Chapter 12, Title 12, 1952, and Acts amendatory thereto, to provide for the incorporation of Religious, Education, Social, Fraternal or Charitable Churches, Lodges, Societies, Associations, or Companies, and for amending the Charters of those already formed and to be formed.

(Sign here)

J. D. Williams
J. G. Washington

Date October 3, 19 53

INSTRUCTIONS

All fees are payable to the Secretary of State.

Two petitioners are all that is required.

State the purpose of your organization tersely in general terms. Do not attempt to include therein matter that should go into your by-laws, or specifically ask for certain powers granted under the law to all corporations—such as the right to buy and hold property, to have a common seal, etc.

Should Association be other than a church or other purely eleemosynary organization, have the Clerk of Court, Sheriff, Probate Judge, Auditor and Treasurer, and fifty freehold electors endorse the petition.

Form 272

FILE NO. 4108

Eleemosynary Corporation

DECLARATION AND PETITION
In Re The

PROGRESSIVE CHURCH OF OUR

LORD JESUS CHRIST, INC.

(Columbia, S. C.)

Filed in the Office of the Secretary of State,
this 6th day of March, 1921

The fee for Charter is Three Dollars, payable
when this paper is filed

Fee Paid \$ \$3.00 Cash

Receipt No. 6376

THE STATE OF PENNSYLVANIA, PRINTING CO.

PC.
The State of South Carolina } CERTIFICATE OF INCORPORATION
EXECUTIVE DEPARTMENT } BY THE SECRETARY OF STATE

EXHIBIT 1 pg 1 of 1

HEREAS, J. D. WILLIAMS, 2211 Senate St., Columbia, S. C.

and

J. G. WASHINGTON, 2209 Senate St., Columbia, S. C.

two or more of the officers or agents appointed to supervise or manage the affairs of

PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC
(Columbia, S. C.)

which has been duly and regularly organized, did on the 5th. day of

October, A. D. 1953 file with the Secretary of State a written declaration setting forth:

That, at a meeting of the aforesaid organization held pursuant to the by-laws or regulations of the said organization, they are authorized and directed to apply for incorporation.

That, the said organization holds, or desires to hold, property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of profit or gain the members, otherwise than is above stated, nor for the insurance of life, health, accident or property; and that three days' notice in the The State, a newspaper published in the

county of Richland, has been given that the aforesaid Declaration would be filed.

AND WHEREAS, Said Declarants and Petitioners further declared and affirmed:

FIRST: Their names and residences are as above given.

SECOND: The name of the proposed Corporation is

PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.

THIRD: The place at which it proposes to have its headquarters or be located is COLUMBIA, S. C.
(2217 Waverly Street)

FOURTH: The purpose of the said proposed Corporation is to promote a spirit of brotherhood and a closer association between the members of our church, to promote the teachings of our order and to assist in religious work of any nature helpful to the members of the order and the community at large.

FIFTH: The names and residences of all Managers, Trustees, Directors or other officers are as follows:

J. D. Williams	Columbia, S. C.	Senior Bishop, Founder
J. G. Washington	Columbia, S. C.	Minister
Herman A. Jackson	Columbia, S. C.	Trustee
Raymond Thompson	Columbia, S. C.	Trustee
Edward Smith	Columbia, S. C.	Trustee
Calvin Jackson	Columbia, S. C.	Trustee
Malon Poolock	Columbia, S. C.	Trustee

SIXTH: That they desire to be incorporated: in perpetuity

Now, THEREFORE, I, O. Frank Thornton, Secretary of State, by virtue of the authority in me vested, by Chapter 158, Article III, Code of 1942, and Acts amendatory thereto, do hereby declare the said organization to be a body politic and corporate, with all the rights, powers, privileges and immunities, and subject to all the limitations and liabilities, conferred by said Chapter 158, Article III, Sections 8158-8159 and 8168, Code of 1942, and Acts amendatory thereto.

GIVEN under my hand and the seal of the State, at Columbia.

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J. G. Washington
Herman A. Jackson
Raymond Thompson
Edward Smith
Calvin Jackson
Leon Poolock

Columbia, S. C.
Columbia, S. C.
Columbia, S. C.
Columbia, S. C.
Columbia, S. C.
Columbia, S. C.

Senior Bishop, Founder
Minister
Trustee
Trustee
Trustee
Trustee

EXHIBIT 1 Pg 20

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))

SIXTH: That they desire to be incorporated: in perpetuity

Now, THEREFORE, I, O. Frank Thornton, Secretary of State, by virtue of the authority in vested, by Chapter 158, Article III, Code of 1942, and Acts amendatory thereto, do hereby declare the said organization to be body politic and corporate, with all the rights, powers, privileges and immunities, and subject to all the limitations and liabilities, conferred by said Chapter 158, Article III, Sections 8158-8159 and 8168, Code of 1942, and Acts amendatory thereto.

GIVEN under my hand and the seal of the State, at Columbia,
this 5th. day of October
in the year of our Lord one thousand nine hundred and
fifty-three and in the one hundred and
seventy-eighth year of the Independence of the
United States of America.

O. FRANK THORNTON,
Secretary of State.

Document Number
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PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.

CONSTITUTION

ARTICLE I - ORGANIZATION

Section I. Name of Organization

The name of this organization is the Progressive Church of Our Lord Jesus Christ, Incorporated.

Section II. All Churches in this Organization Shall Bear the Name:

PROGRESSIVE CHURCH OF OUR
LORD JESUS CHRIST, INC.

beginning or ending with any other name as approved by the Board of Bishops.

Churches seeking membership with this organization shall agree to be governed by its laws, by-laws, rules and regulations, and to be subject to the pastoral appointments made by the governing body of this organization.

Section III. Purpose of the Organization

The purpose of the organization is to teach the doctrines and beliefs of the Apostolic Faith and to own, establish and maintain churches, thereby perpetuating the Progressive Church of Our Lord Jesus Christ, Inc.

Section IV. Organizational Structure

The Progressive Church of Our Lord Jesus Christ, Inc. shall function on National, District, and Local levels. There shall be a National Young People's Union, National Women's Auxiliary Board, and National Sunday School Board. Young People's Unions, Women's Auxiliary Boards, and Sunday School Boards may also function on District and Local levels, as deemed necessary by District Elders and local Pastors.

Section V. Purpose of Constitution

We, the members of the Progressive Church of Our Lord Jesus Christ, Inc., do ordain and establish this constitution to further the preaching and propagating of the Gospel of Jesus Christ, and to further promote the spiritual welfare of our members through instructions in the Apostles' Doctrine.

ARTICLE II - STATEMENT OF BASIC DOCTRINES

1. The infallibility of scripture.
2. The oneness of the Godhead (Deity of Christ).
3. Virgin Birth.
4. Faith and repentance toward God.
5. The essentiality of water baptism in the name of the Lord Jesus Christ for the remission of sins.
6. The essentiality of being filled with the Holy Ghost with the initial evidence of speaking in other tongues as the Holy Ghost gives utterance.
7. A life of sanctification, consecration, and godliness.
8. Holy Communion.
9. Divine Healing.
10. Tithes and Offerings.
11. The imminent pre-millennial return of the Lord Jesus Christ.
12. The resurrection and rapture of the true church of our Lord Jesus Christ.
13. Confession of Sins.
14. Eternal Judgment.

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ARTICLE III - CLERGY

Section I.

The Clergy of the Progressive Church of Our Lord Jesus Christ, Inc. shall consist of Bishops, Elders, and Ministers. The Clergy shall function in various capacities as God has gifted them in accordance with Ephesians 4:11.

Section II. Board of Bishops

The Progressive Church of Our Lord Jesus Christ, Inc. shall be governed by a Board of Bishops which shall at no time consist of less than three (3) members, and shall have as officers, the Presiding Bishop, the Assistant Presiding Bishop and the Secretary to the Board of Bishops. This Board shall govern the church in both spiritual and secular matters. The Board of Bishops shall be responsible for setting forth biblical teachings and doctrines in accordance with the scriptures, and shall have the power to command that all ministers of this organization do the same. In secular matters, the Board of Bishops shall be responsible for the overall operation of the church and its financial growth and stability.

The Board of Bishops shall have the right to investigate the background of any church or organization wishing to become a part of the Progressive Church of Our Lord Jesus Christ, Inc. in an effort to determine if the said church or organization should gain membership into this body.

The members of the Board of Bishops shall retain their positions on the Board for life, unless physically or mentally incapacitated, as long as their lives are in harmony with the Word of God and are not guilty of any improper act or belief. The Board of Bishops shall meet at least four (4) times a year.

Section III.

There shall be a Board of Presbytery appointed by the Board of Bishops which shall consist of consecrated Bishops who are not members of the Board of Bishops and ordained Elders who have met the qualifications outlined in I Timothy 3:1-7, who have been members of this organization three (3) consecutive years and who have been ordained three (3) years.

This Board of Presbytery shall act in an advisory capacity to the Board of Bishops. The Board of Presbytery shall, along with the Board of Bishops, consider any proposed legislation submitted to the Board of Bishops.

The offices of the Board of Presbytery shall be a Chairman, Co-Chairman, Secretary, Assistant Secretary, and Sergeant-At-Arms. The officers of this board shall be elected by its members to serve terms of four (4) consecutive years. The election of officers shall be held during the Annual Convocation of the election year.

The Board of Presbytery shall meet at least twice a year. Once when deemed necessary by the Chairman of the Board and once along with the Board of Bishops.

Section IV. District Bishops or District Elders

The Board of Bishops shall appoint District Bishops or District Elders to preside over the districts. District Bishops or District Elders shall be ordained Elders who have met the standards outlined in I Timothy 3:1-7, who have been members of this organization at least three (3) consecutive years. The District Bishops or District Elders shall be responsible for instructing, advising, and aiding all pastors in their district, so as to maintain a high standard of holiness in keeping with the teachings of this organization and the Word of God. The District Bishops or District Elders shall make visits to each church in their districts, and shall make periodical reports to the Board of Bishops relative to the spiritual and secular conditions of their districts. ROA 00285 PL 00287

Article III, Section IV Continued:

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District Bishops or District Elders shall be responsible for the supervision of all District Auxiliaries and appointments of officers to head these auxiliaries.

The District Bishops or District Elders shall insure that all taxes and assessments, regular and special, levied by the National organization are rendered to the National Treasury in compliance with guidelines set forth for such taxes and assessments.

The District Bishops or District Elders shall be responsible for conducting and presiding over all district meetings. Such meetings will be held at the District Bishops' or District Elders' discretion as long as they do not interfere with any national meetings. District Meetings will be held at least once a year.

Section V. Pastors

All pastoral appointments shall be made by the members of the Board of Bishops upon the recommendations of the appointee's pastor and District Bishop or District Elder.

All pastors of local churches shall be ordained Elders who have met the standards outlined in I Timothy 3:1-7 and adhere to and uphold the true Apostolic principles as taught by the Progressive Church of Our Lord Jesus Christ, Inc.

The pastors of local churches shall be responsible for instructing, encouraging, advising, and aiding his congregation in an effort to maintain high standards of holiness within the local churches.

Section VI. Local Ministers

Any person licensed as a local minister of the Progressive Church of Our Lord Jesus Christ, Inc. shall have proven himself faithful and loyal to God, his pastor and his local church. He must have demonstrated his ability in teaching Sunday School, conducting public worship services, and praying and reading publicly.

Upon the recommendation of the pastor and approval of the Board of Bishops, any man who has met the above standards, and has been successfully catechized may be licensed as a local minister of this organization.

ARTICLE IV - FUNCTIONS OF OFFICERS OF THE CLERGY**Section I. Presiding Bishop**

-He shall call the general Annual Convocation to order.

-He shall direct the proceedings of the general Annual Convocation according to its rules, and with the Recording Secretary, sign the minutes when sustained. With the National Secretary, sign all other documents when required.

-He shall decide all questions of order.

-He shall appoint committees with the consent of the Board of Bishops.

-He shall direct the roll to be called at the opening session.

-He shall announce the order of the business for the day.

-He shall, after consultation with the Board of Bishops, make appointments of District Elders, Pastors, National Women's Auxiliary President and Vice President, officers of the National Young People's Union, and officers of the National Sunday School Board.

ROA 00286

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Article IV. Section I Continued:

- He shall be the general spokesman for the Board of Bishops.
- He shall perform all duties incidental to the office.

Section II. Assistant Presiding Bishop

The Assistant Presiding Bishop shall assist the Presiding Bishop and will assume duties of Presiding Bishop in the event the Presiding Bishop becomes unable to perform his duties because of sickness, injury, or any other reasons. In the event of the total disablement or death of the Presiding Bishop, the Assistant Presiding Bishop will become the Presiding Bishop. An Assistant Bishop shall be selected from the remaining Board members.

Section III. Chairman of the Board of Presbytery

The Chairman of the Board of Presbytery shall be directly responsible to the Board of Bishops and shall insure that the functions of the Board of Presbytery are in accordance with the guidelines set forth by the Board of Bishops. He shall act as the spokesman for the Board of Presbytery and shall preside at all Board Meetings.

Section IV. Co-Chairman of the Board of Presbytery

The Co-Chairman of the Board of Presbytery shall be directly responsible to the Chairman of the Board. He shall assist the Chairman in any way deemed necessary by the Chairman of the Board.

The Co-Chairman of the Board of Presbytery shall preside at all meetings in the absence of the Chairman. He shall function as the Chairman, in all capacities, should the Chairman become unable, for any reason, to perform his duties. In the event of total disablement or death of the Chairman, the Co-Chairman will become the Chairman of the Board of Presbytery.

ARTICLE V - THE FILLING OF VACANCIES ON THE BOARD OF BISHOPSSection I.

Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery. In the event all members of the Board of Bishops are rendered inactive because of death or incapacitation, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Co-Chairman of the Board of Presbytery shall become the Acting Assistant Presiding Bishop.

The Acting Presiding Bishop shall immediately call a special meeting of the Board of Presbytery and shall instruct its members concerning their task of electing the Presiding Bishop, the Assistant Presiding Bishop, and member(s) of the Board of Bishops.

The Acting Presiding Bishop shall encourage the members of the Board of Presbytery to utilize the power of prayer and fasting to seek the will of God in the election of members of the Board of Bishops.

The Acting Presiding Bishop shall inform the members of the Board of Presbytery that the election of the Board of Bishops must take place within sixty (60) days of the special meeting called.

The Presiding Bishop, Assistant Presiding Bishop, and member(s) of the Board, elected by the Board of Presbytery, shall be officially consecrated during the following Convocation.

Article VI, Section I

ARTICLE VI - CREDENTIALS

Section I.

All members of the clergy must be properly licensed by the Board of Bishops.

Section II.

All credentials shall be deemed void upon the withdrawal, the resignation or the ex-communication of the licensee.

ARTICLE VII - QUALIFICATIONS AND FUNCTIONS OF OFFICERS

Section I.

All officers must have been baptized, in accordance with Acts 2:38, and filled with the Holy Ghost in accordance with Acts 2:4. They must be of good moral character, and in good standing in the Progressive Church of Our Lord Jesus Christ, Inc.

Section II.

National Secretary

The National Secretary shall be responsible for the recording of minutes of all National Meetings of the church for the filling of all general church records. He shall be responsible for the distribution of letters and all other correspondence from the Board of Bishops to all subordinate officers. He shall be responsible for the securing and safekeeping of all the organization's documents and the church's seal. He shall sign official documents with the Presiding Bishop, when necessary, in the name of the Progressive Church of Our Lord Jesus Christ, Inc., and affix the seal thereof when requested. He shall sign checks along with the National Treasurer and shall be responsible for maintaining records of all financial transactions. He shall sign all credentials and perform all duties incidental to the office of the National Secretary. The National Secretary must be bonded.

Section III. Recording Secretary

The Recording Secretary shall keep an accurate account of the proceedings of the Convocation, which shall stand as the official record when approved and shall be signed by him in Convocation with the Presiding Bishop. He shall read all papers which may be ordered to be read. He shall notify the chairman of each committee of his appointment, giving him a list of members and stating the business referred to them. He shall call the roll of ministers alphabetically at the beginning of the Annual Convocation. The Recording Secretary functions only during the Convocation.

Section IV. Corresponding Secretary

The Corresponding Secretary shall keep a record of all officers, names and addresses, attend to all official correspondence, communications, and posting of notices. (Person of high ethical standards is required because confidentiality is imperative).

Section V. National Treasurer

The National Treasurer shall receive and disburse funds according to the directions of the Board of Bishops, keep a full and accurate account of the same, and submit a written report to the general Convocation at its first business session.

The National Treasurer shall have the care and custody of, and be responsible for all the funds and securities and deposit all such funds in the name of the Progressive Church of Our Lord Jesus Christ, Inc., in such banks, trust companies, or safe deposit vaults as directed by the Board of Bishops.

Article VII, Section V Continued:

The National Treasurer and the National Secretary shall sign, make, and endorse in the name of the church all checks, check drafts, IOU's, orders for the payment of money, and pay out and dispose of same, and receipt thereof under the direction of the Board of Bishops. He shall perform all duties incidental to the office of the Treasurer. The National Treasurer must be bonded.

Section VI. Secretary of the Treasury

The Secretary of the Treasury shall keep an accurate record of all finances of the organization including a record of all income, a record of all disbursements, a record of all bank deposits, a duplicate of financial records of all auxiliary boards, departments, and committees.

ARTICLE VIII - CASES OF IMPROPER CONDUCT

Section I.

Bishops, Elders, and Pastors will be tried by the Board of Bishops. If a Bishop, Elder or Pastor shall be accused of improper conduct, the Board of Bishops shall carefully examine the case. If in the opinion of the Board of Bishops there is a reasonable ground for such an accusation, they shall prepare the proper charges. A copy of the charge shall be sent to the one charged immediately. The Board of Bishops shall assemble for trial.

The Presiding Bishop shall preside at all trials. In the case where the Presiding Bishop is being tried or is unable to perform, the Assistant Presiding Bishop shall assume the duties of Presiding Bishop at the trial.

The Board of Bishops shall have full power to try the one charged. As a result of its decision, the accused shall be exonerated or suspended from the function of his office. The National Secretary shall notify the churches of the trial results.

Pastors shall have the authority to hear and act upon charges brought against ministers in their local churches. Any minister in disagreement with the decision of his pastor, shall have the right to appeal to his District Bishop or District Elder. If still not satisfied, he shall have the right to appeal to the Board of Bishops.

ARTICLE IX - ANNUAL CONVOCATION

Section I.

There shall be a general Annual Convocation of this church. The general Annual Convocation shall consist of the Governing Board of Bishops, the Board of Presbytery, ministers, deacons, and laity.

Section II.

The general Convocation is the annual meeting of the organization for preaching and propagating the gospel of Jesus Christ, instructing members in the Apostles' Doctrine, fellowshiping, and transacting the financial matters.

The general Annual Convocation shall receive and allocate finances for the operation of the organization.

All legislation affecting the National Body must be submitted at the convening of this general Annual Convocation. All legislation affecting local auxiliaries and churches must be submitted to the executive body during the Convocation for ratification.

0001 - P.7

Article X

ARTICLE X - AMENDMENTS AND REPEALS

Articles contained in this Constitution may be amended or repealed as necessary when the procedures for the same are established.

DATE COMPLETED: August 18, 1983

0001 - P.8

August 18, 1983

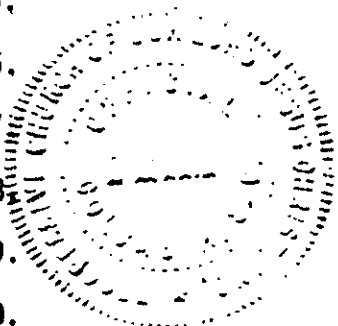
I have read and subsequently understand and agree with the intent and provisions of the Constitution of the Progressive Church of Our Lord Jesus Christ, Inc. Therefore, I render my signature to show my support for the ratification of this Constitution.

Joel G. Washington
Bishop Joel G. Washington, Sr.
Presiding Bishop

Edward Smith
Bishop Edward Smith
National Secretary

Signature of Pastors:

1. *Robert Black*
2. *Ray Brockington*
3. *Thomson Dwyer*
4. *Yvonne E. Davis*
5. *David Solomon Johnson*
6. *Benjamin Maan*
7. *Lawrence M. Todd*
8. *Elder Robert J. P. Mingo*
9. *Thomas J. Smith*
10. *Louis A. Stacks*
11. *Tiffany J. Williams*
12. *Joseph D. Williams*
13. *William Young*
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.



DECLARATION

Whereas the Constitution of the Progressive Church of Our Lord Jesus Christ, Inc. has been ratified by the Bishops and Pastors of the aforementioned organization on Thursday, August 18, 1983; and whereas, there are a number of provisions in the Constitution which are either not applicable or have not been implemented at this time; be it resolved that the following conditions, as provided for in the Constitution, shall be implemented and in operation by the end of the 40th Annual Holy Convocation which shall convene August 6-12, 1984.

- Article I. - Section II
"Laws, by-laws, rules and regulations"
- Article I. - Section IV
"National Sunday School Board"
- Article III. - Section II
"Less than three members" - "Assistant Presiding Bishop,
Secretary to the Board of Bishops."
- Article III. - Section III
"Board of Presbytery - Officers"
- Article III - Section V
"All pastors of local churches shall be ordained Elders"
- Article VII - Section III
"Recording Secretary"
- Article VII - Section IV
"Corresponding Secretary"
- Article VII - Section VI
"Secretary of the Treasury"

The Board of Bishops

"Leaders with a Vision"

The Progressive Church of Our Lord Jesus Christ, Inc. is governed under the spiritual leadership of the Board of Bishops. The Board, which is chaired by Presiding Bishop Edward Smith, meets regularly to confer and to discuss matters related to the spiritual and business operation of the church. The other members of the Board of Bishops include: Bishop Theodore Jenkins, Bishop David S. Johnson, Bishop Paul C. Johnson, Bishop Lang Priester, and Bishop Joseph D. Williams, Jr. Through the collective wisdom and leadership of the Board of Bishops, the Lord continues to bless the Progressive Churches.

In July 2007, the national church established five church districts in addition to the Headquarters Church. Each district was assigned a district bishop to provide spiritual oversight for the local churches. The districts are as follows:

Headquarters Church—Presiding Bishop Smith Columbia, South Carolina

District I—Bishop Theodore Jenkins
Denmark, South Carolina
Lugoff, South Carolina
Williamston, South Carolina
Winnsboro, South Carolina

District II—Bishop David S. Johnson
Cross, South Carolina
Hopkins, South Carolina
Sumter, South Carolina
Yonkers, New York

District III—Bishop Lang Priester
Fairfield, California
Tucker, Georgia
Charlotte, North Carolina
Charlotte (East), North Carolina
Kings Mountain, North Carolina
Cheraw, South Carolina

District IV—Bishop J. D. Williams, Jr.
Florence, South Carolina
Killian, South Carolina
Mullins, South Carolina
Saluda, South Carolina

District V—Bishop Paul C. Johnson
Atlanta, Georgia
Hinesville, Georgia
Gainesville, Florida
Jacksonville, Florida
St. Petersburg, Florida
Tallahassee, Florida

Since the establishment of the districts, the district bishops have been active in visiting the local churches, teaching Bible Class, conducting doctrinal meetings, and fellowshiping with the saints. Many of the districts have established district fellowship services to promote fellowship and unity among the saints.

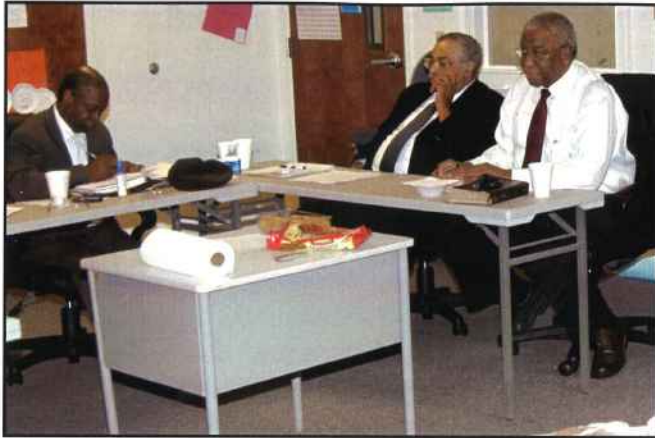
The members of the Board of Bishops are striving to work together and to provide a united vision to lead the people of God. Over the course of a year, they log thousands of miles in travel to care for the needs of God's people, in addition to preaching and teaching in the local church where each of them serves as pastor.

In 2008, the Board of Bishops passed a resolution establishing a one-year interim term for each current member of the Board of Bishops to serve as the Assistant Presiding Bishop. During this one year term, the interim Assistant Presiding Bishop receives special training from the Presiding Bishop and undertakes special administrative duties and responsibilities. As we continue to "bridge the gap for the next generation," we pray that God will grant unto the Board of Bishops collective wisdom and unity, and a clear vision as they strive to lead the people of God.

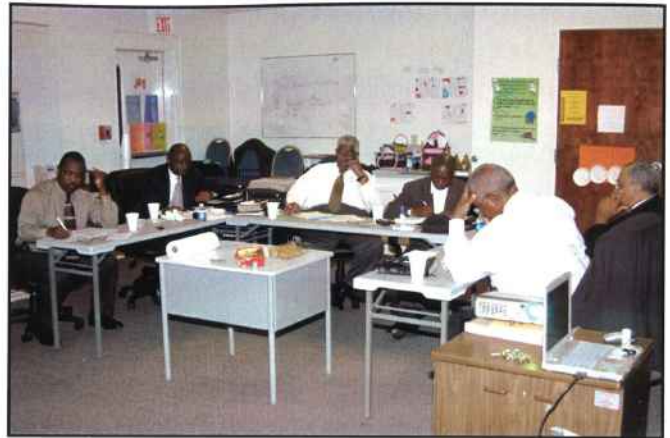
ROA 00293

The Board of Bishops

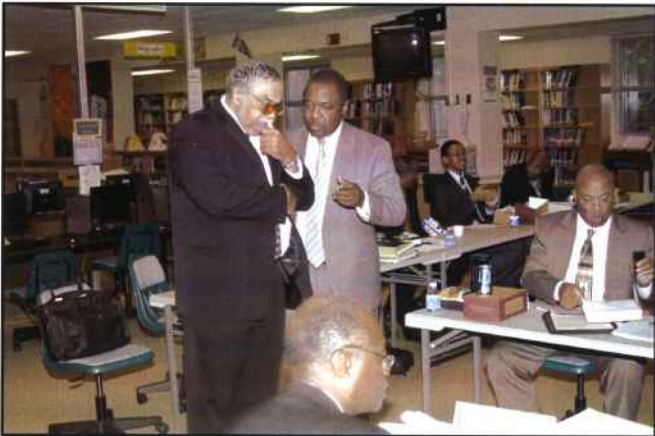
"Leaders with a Vision"



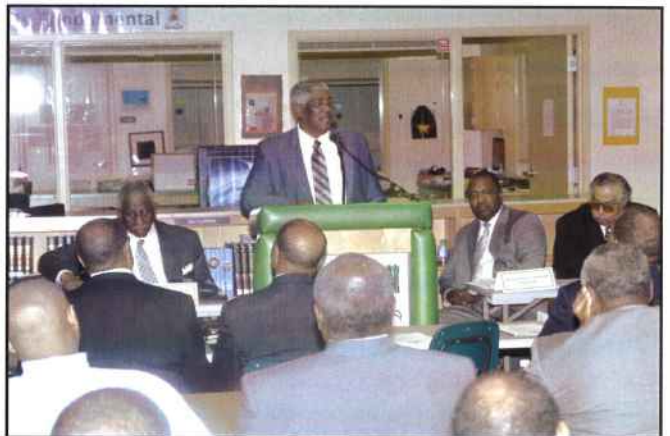
(L—R): Bishop Theodore Jenkins, Bishop J. D. Williams, Jr., and Bishop Edward Smith in a Strategic Planning Session



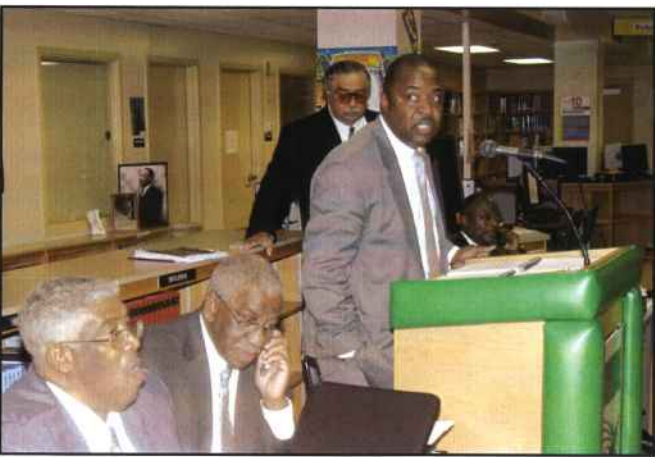
Members of the Board of Bishops participate in A National Church Strategic Planning Session



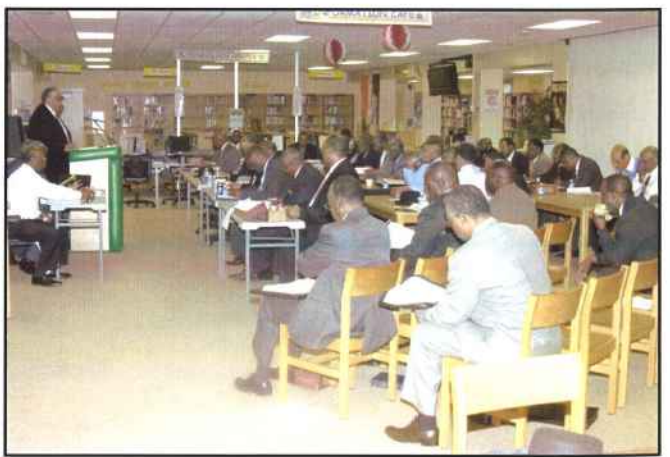
Bishop Paul C. Johnson talks with Bishop J. D. Williams, Jr. during a Quarterly Ministerial Meeting



Bishop Lang Priester addresses the ministerial body during a Quarterly Ministerial Meeting



Bishop Paul C. Johnson addresses the ministerial body during a Quarterly Ministerial Meeting

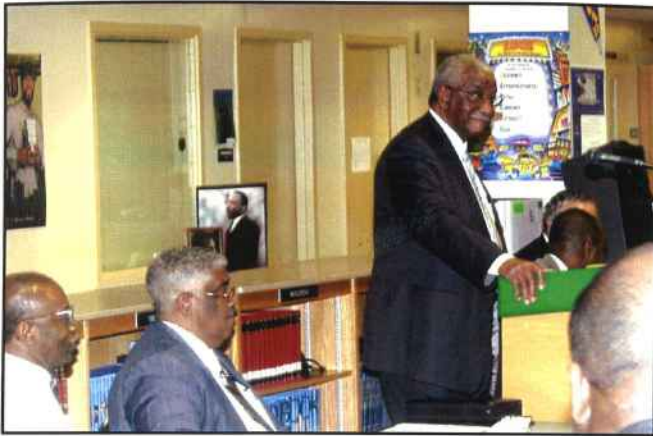


Bishop J. D. Williams, Jr. teaches a lesson on "The Calling of God" during a Quarterly Ministerial Meeting

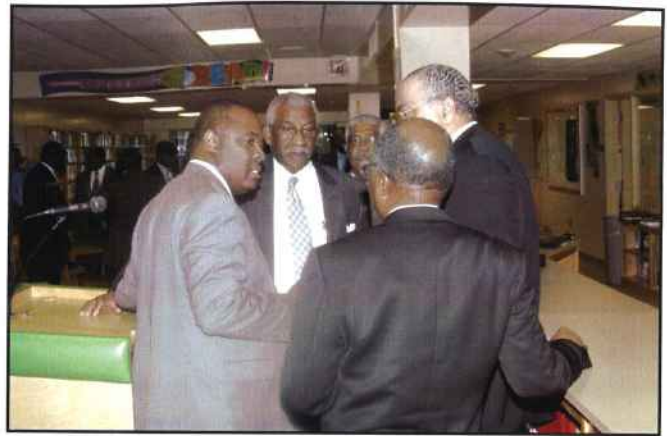
ROA 00294

The Board of Bishops

"Leaders with a Vision"



Bishop Edward Smith addresses the ministerial body during a Quarterly Ministerial Meeting



Members of the Board of Bishops confer on an issue during one of the Quarterly Ministerial Meetings



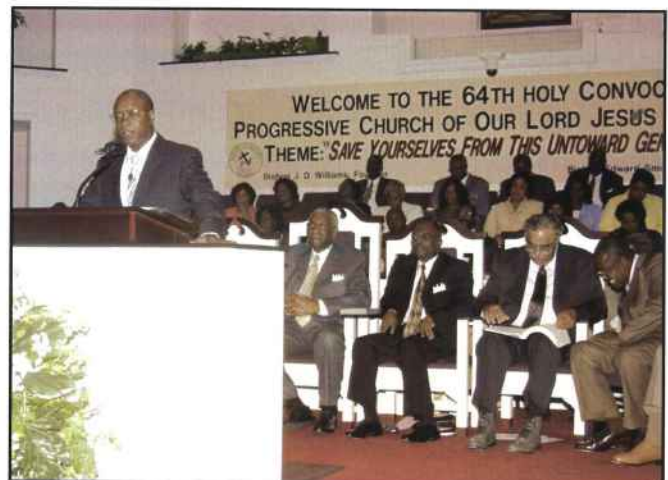
Members of the Board of Bishops at the opening session of the 64th Annual Holy Convocation



Members of the Board of Bishops listen as Bishop David S. Johnson preaches the Word of God during the 64th Annual Holy Convocation



Bishop J. D. Williams, Jr. prepares to lead the congregation in prayer during the 64th Annual Holy Convocation



Bishop Theodore Jenkins preaches during the 64th Annual Holy Convocation

BOA 00295

The Board of Bishops

"Leaders with a Vision"



Standing (L—R)

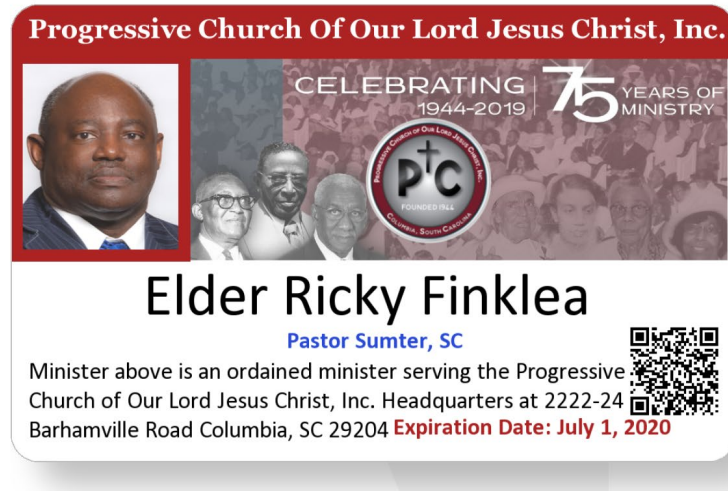
Bishop Lang Priester—District III
Bishop J. D. Williams, Jr.—District IV
Bishop Paul C. Johnson—District V

Seated (L—R)

Bishop Theodore Jenkins—District I
Bishop Edward Smith—Presiding Bishop
Bishop David S. Johnson—District II

ROA 00296

Copy of Elder Ricky Finklea 2019 ID





D Book: 1260 Page: 1389 - 1395

September 25, 2019 03:40:28 PM Cons: \$0.00

Rec: \$15.00

E-FILED IN SUMTER COUNTY, SC TOTAL: \$15.00

VICKI M. MCCARTHY - REGISTER OF DEEDS SUMTER COUNTY

BY: VMM

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)

DEED OF REAL PROPERTY

KNOW ALL MEN BY THESE PRESENTS, THAT THIS DEED, is executed as of the 20th day of September, 2019 by **PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.** (hereinafter referred to as "Grantor") to **PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.** (hereinafter referred to as "Grantee"), whose mailing address is 2222-24 Barhamville Road, Columbia, South Carolina 29204.

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is a South Carolina religious non-profit corporation, incorporated on October 5, 1953, and has its corporate headquarters at 2222-24 Barhamville Road, Columbia, South Carolina, 29204; and

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is hierarchical church governed by its Board of Bishops; and

WHEREAS, on October 19, 2004, DOROTHY Z. NEAL AND HETTIE M. MCFADDEN conveyed property to Progressive Church of Our Lord Jesus Christ, Inc. by deed recorded in Deed Book 980, PAGE 37 in the Office of the Register of Deeds for Sumter County; and

WHEREAS, on August 12, 1998, HARRELSON LAND COMPANY conveyed property to The Progressive Church of Our Lord Jesus Christ, Inc., by deed recorded in Book 714, page 585 in the Office of the Register of Deeds for Sumter County; and

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is executing this deed to clarify that title to the Real Property described in EXHIBIT A is to be held in the name of Progressive Church of Our Lord Jesus Christ, Inc. and is also to be held in trust for said Progressive Church of Our Lord Jesus Christ, Inc.; and

WITNESSETH:

IN CONSIDERATION of the sum of Ten Dollars (\$10.00) the receipt and sufficiency of which is acknowledged by Grantor, Grantor has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee all right, title and interest in the following Real Property:

SEE ATTACHED EXHIBIT A

to be held in the name of Progressive Church of Our Lord Jesus Christ, Inc. in trust for said Progressive Church of Our Lord Jesus Christ, Inc.

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING RESTRICTION: The Real Property described in EXHIBIT A shall not hereafter be transferred, sold, pledged, mortgaged, or any security interest otherwise granted therein without the prior written authorization of the Board of Bishops of Progressive Church of Our Lord Jesus Christ, Inc. as evidenced by a duly adopted resolution expressly authorizing the conveyance action with the seal of Progressive Church of Our Lord Jesus Christ, Inc. affixed; which Resolution shall be attached to any such deed, mortgage or other conveyance. Any transfer, sale, pledge, mortgage, or any security interest otherwise granted contrary to this restriction shall be null and void.

TOGETHER with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto;

TO HAVE AND TO HOLD all and singular said property unto Grantee, its heirs, successors and assigns, forever, subject to existing easements and restrictions of record, including matters shown on recorded plats.

(Signatures contained on attached page.)

ROA 00299

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed as of the day and year first above written.

Witnesses:

PROGRESSIVE CHURCH OF OUR LORD
JESUS CHRIST, INC., A SOUTH
CAROLINA CORPORATION

BY:

Paul C. Johnson

BISHOP PAUL JOHNSON,
SECRETARY OF THE BOARD OF
BISHOPS OF THE PROGRESSIVE
CHURCH OF OUR LORD JESUS
CHRIST, INC.

Name: *Rose A. Braddock*

Print Name: ROSE A BRADDOCK

Name: *Raymond Williamson*

Print Name: Raymond Williamson

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The foregoing instrument was acknowledged before me, Rose A. Braddock, a notary public of the State of S.C. this 20th day of Sept., 2019 by Bishop Paul Johnson, Secretary of the Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Inc. on behalf of said entity.

Rose A. Braddock

Notary Public for South Carolina

My Commission Expires: 5-2-2028

[SEAL]

ROA 00300

EXHIBIT A

Tract 1:

All that certain piece, parcel or lot of land, together with the improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated as Lot No. 20 on the plat prepared by H.S. Wilson, RLS dated September 24, 1981 and recorded in Plat Book Z-45, page 432 in the records of the Register of deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 502 North Main Street, Sumter, SC.

TMS No.: 228-04-02-072

Tract 2:

All that certain piece, parcel or lot of land, together with the improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated as Lot No. 19 on the plat prepared by H.S. Wilson, RLS dated September 24, 1981 and recorded in Plat Book Z-45, page 432 in the records of the Register of deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 504 North Main Street, Sumter, SC.

TMS No.: 228-04-02-071

Tract 3:

All that certain piece, parcel or lot of land, together with any improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated on that plat prepared by H. S. Wilson, RLS, dated August 19, 1972 and recorded in Plat Book Z-36 at page 128 in the records of the Register of Deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 508 North Main Street, Sumter, SC.

TMS No.: 228-04-02-067

ROA 00301

The above tracts 1, 2 and 3 being the same property conveyed to Progressive Church of Our Lord Jesus Christ, Inc. by Dorothy Z. Neal and Hettie M. McFadden, dated October 19, 2004 and recorded on May 10, 2005 in Book 980, page 37 in the Office of the Register of Deeds for Sumter County.

Tract 4:

All that certain piece, parcel or lot of land, with any improvements thereon, situate, lying and being on the southwestern corner of Crescent Avenue and North Main Street in the City and County of Sumter, State of South Carolina, being shown as Parcel A on a Plat showing lots to be conveyed to the Progressive Church of Our Lord Jesus Christ, Inc. Said Parcel A is composed of lots known as 219 Crescent Avenue, being the western portion of Lots 14 and 15 and Parcel known as 516 North Main Street, being the eastern portion of the original lots 14 and 15, shown on a plat recorded in Plat Book Z-11 at page 24 and Parcel known as 512 and 514 North Main Street, Being shown as Lots A and C on a plat recorded in Plat Book G-5, page 171. Said parcels are shown together as Parcel "A" on a plat prepared for Progressive Church of Our Lord Jesus Christ by Black River Land Surveying dated August 8, 1998 and recorded in Plat Book 98 at page 940 in the Office of Sumter County Register of Deeds and said lot having the boundaries and dimensions as shown on said plat which are incorporated herein by reference.

TMS No.: 228-04-02-056

Tract 4 being the same property conveyed to The Progressive Church of Our Lord Jesus Christ, Inc. by Harrelson Land Company dated August 10, 1998 and recorded on August 12, 1998 in Book 714, page 585 in the Office of the Register of Deeds for Sumter County.

ROA 00302

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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 properties being transferred are located on 502, 504 and 508 North Main Street and 219 Crescent Avenue, Sumter County Tax Map Numbers: 228-04-02-072, 228-04-02-071, 228-04-02-067, and 228-04-02-056 were transferred by Progressive Church of Our Lord Jesus Christ, Inc. to Progressive Church of Our Lord Jesus Christ, Inc. on September 20, 2019.

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.
- (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.
- (c) xx exempt from the deed recording fee because (See Information section of affidavit): **(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 deed;

(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?

Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):

- (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____.
- (b) _____ The fee is computed on the fair market value of the realty which is _____.
- (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes ___ or No xx to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: _____
- (b) Place the amount listed in item 5 above here: _____
- (If no amount is listed, place zero here.)
- (c) Subtract Line 6(b) from Line 6(a) and place result here: _____

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$0.

ROA 00303

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

9. I understand that a person required to furnish this affidavit who wilfully 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.

PROGRESSIVE CHURCH OF OUR LORD
JESUS CHRIST, INC.

BY:

Its:


Secretary of Board

SWORN to and subscribed before me this
28 day of September, 2019



Notary Public for South Carolina

My Commission Expires: 10/08/20

Bentley D. Williams

Notary (printed name):

ROA 00304



PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.
2222-24 Barhamville Road
Columbia, South Carolina 29204
Phone: 803.254.6106 Fax: 803.256.0420
Email: ProgressiveChurchHQ@sc.rr.com

November 8, 2019

VIA EMAIL AND CERTIFIED MAIL

Elder Ricky Finklea
2135 N. Main Street
Sumter, South Carolina 29150

RE: Sumter Congregation of the Progressive Church of Our Lord Jesus Christ, Inc.

Dear Elder Finklea,

Greetings in the name of our Lord Jesus Christ. I write to you on behalf of the Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Inc. In 2003, the Progressive Church of Our Lord Jesus Christ, Inc. ordained you an Elder and appointed you as Pastor of our Sumter Congregation. As a Pastor and Elder, you are subject to the leadership of the Board of Bishops and our Church Constitution.

The Board of Bishops is concerned to learn that you are conducting worship services, separate and distinct from the Progressive Church of Our Lord Jesus Christ, Inc., in Sumter, Bishopville, and Kingstree, South Carolina. Your present actions indicate that you have elected to dis-associate yourself from the Progressive Church of Our Lord Jesus Christ, Inc. Further, you have erected a new sign displaying, "New Life Apostolic Church," on property owned by the Progressive Church of Our Lord Jesus Christ, Inc. in Sumter. This sign violates Article I, Section II of our Church Constitution, which states: *"All Churches in this Organization Shall Bear the Name: Progressive Church of Our Lord Jesus Christ, Inc. beginning or ending with any other name as approved by the Board of Bishops."* You have also defaced the original sign that formerly displayed our official church name, "Progressive Church of Our Lord Jesus Christ, Inc." As you recall, the Columbia Congregation purchased the original sign and graciously donated it to the Sumter Congregation several years ago.

You must remove the sign displaying, "New Life Apostolic Church," and properly restore the original sign displaying our official church name, "Progressive Church of Our Lord Jesus Christ, Inc." Please provide photographic documentation of the sign removal, via email to BoardofBishops@sc.rr.com by **Friday, November 22.**

The Board of Bishops requests that you meet with us to discuss these serious concerns. Much time and effort has been spent exchanging letters and emails, and our love for God and each other should compel us to meet and talk as brethren. We pray that you will see the spiritual value in working toward resolution, as we must endeavor to keep the unity of the spirit in the bond of peace. It is in

ROA 00305

Letter to Elder Ricky Finklea
November 8, 2019
Page 2

the best interest of the Church that these matters be immediately resolved, and we reach out to you in an effort to do so. Please also reply via email to BoardofBishops@sc.rr.com regarding your availability to meet with the Board of Bishops on **Friday, November 15** at the headquarters church in Columbia, SC.

If we do not hear from you by **noon on Thursday, November 14**, the Board of Bishops will assume you do not desire to resolve these matters and will consider other measures to rectify the situation, including formal church disciplinary proceedings under Article VIII, Section I of our Church Constitution.

We look forward to your favorable reply. II Thessalonians 3:4 - "And we have confidence in the Lord touching you, that ye both do and will do the things which we command you."

Christ's Servant,

A handwritten signature in black ink, appearing to read "Paul C. Johnson", with a long horizontal flourish extending to the right.

Bishop Paul C. Johnson
Secretary of the Board of Bishops

Enclosure

cc: Board of Bishops

ELECTRONICALLY FILED - 2021 Mar 31 4:06 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

ROA 00306

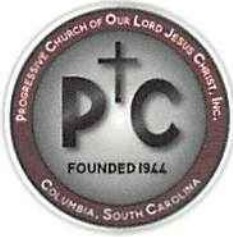
Property owned by Progressive Church of Our Lord Jesus Christ, Inc. in Sumter, SC



Newly installed church sign

Defaced original church sign





PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.
2222-24 Barhamville Road
Columbia, South Carolina 29204
Phone: 803.254.6106 Fax: 803.256.0420
Email: ProgressiveChurchHQ@sc.rr.com

November 22, 2019

VIA EMAIL AND FEDERAL EXPRESS

Elder Ricky Finklea
2135 N. Main Street
Sumter, South Carolina 29150

RE: Notice of Ecclesiastical Trial under Article VIII, Section I of the Church Constitution

Dear Elder Finklea,

Greetings in the name of our Lord Jesus Christ. The Board of Bishops met on Friday, November 15, 2019 to consider various charges and instances of improper conduct by you as an Elder and Pastor in the Progressive Church of Our Lord Jesus Christ, Inc. and to carefully examine your conduct as an Elder and Pastor.

On November 8, 2019, I wrote to you expressing numerous instances of improper conduct by you and inviting you to meet with the Board of Bishops to resolve these concerns. You replied by email, on November 12 and November 14, expressly disavowing the authority of the Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Inc. to govern your conduct as an Elder and Pastor and to control the use of Church property. We regret that you are unwilling to resolve these matters. An Elder and Pastor within the Progressive Church of Our Lord Jesus Christ, Inc. must fulfill his ecclesiastical duties in accordance with the Word of God and the requirements set forth by Church leadership. Your present conduct conforms to neither.

The charges of improper conduct against you are set forth in the attached **Accusations and Charges of Improper Conduct Against Elder Ricky Finklea**. After prayerful consideration and examination of each accusation, the Board of Bishops found there to be reasonable grounds for the accusations made as to your improper conduct. Accordingly, the Board of Bishops will convene an Ecclesiastical Trial under Article VIII, Section I of the Church Constitution regarding your improper conduct as an Elder and Pastor in the Progressive Church of Our Lord Jesus Christ, Inc.

The Ecclesiastical Trial will take place on **Friday, December 6, 2019 at 3:00 p.m.** at the Headquarters Church at 2222-24 Barhamville Road in Columbia, SC. Your presence at this Ecclesiastical Trial is hereby required, and no other individuals are permitted to attend with you without the express approval of the Board of Bishops. If you fail to attend the Ecclesiastical Trial as directed, the Board of Bishops will hear and decide upon the Accusations and Charges of Improper Conduct Against Elder Ricky Finklea in your absence.

Letter to Elder Ricky Finklea
November 22, 2019
Page 2

If you have questions, you may email them to BoardofBishops@sc.rr.com.

Christ's Servant,

A handwritten signature in blue ink, appearing to read "Paul C. Johnson", written in a cursive style.

Bishop Paul C. Johnson
Secretary of the Board of Bishops

cc: Board of Bishops

Encl. Accusations and Charges of Improper Conduct Against Elder Ricky Finklea

ELECTRONICALLY FILED - 2021 Mar 31 4:06 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

ROA 00309



ACCUSATIONS AND CHARGES OF IMPROPER CONDUCT

AGAINST ELDER RICKY FINKLEA

The Constitution of the Progressive Church of Our Lord Jesus Christ, Inc. (the "Church") as adopted August 18, 1983 sets for ecclesiastical procedures for the administration of church discipline of Bishops, Elders, and Pastors. Specifically, the Constitution provides as follows:

ARTICLE VIII – CASES OF IMPROPER CONDUCT

Section I. Bishops, Elders, and Pastors will be tried by the Board of Bishops. If a Bishop, Elder or Pastor shall be accused of improper conduct, the Board of Bishops shall carefully examine the case. If in the opinion of the Board of Bishops there is a reasonable ground for such an accusation, they shall prepare the proper charges. A copy of the charge shall be sent to the one charged immediately. The Board of Bishops shall assemble for trial.

The Presiding Bishop shall preside at all trials. In the case where the Presiding Bishop is being tried or is unable to perform, the Assistant Presiding Bishop shall assume the duties of Presiding Bishop at the trial.

The Board of Bishops shall have full power to try the one charged. As a result of its decision, the accused shall be exonerated or suspended from the function of his office. The National Secretary shall notify the churches of the trial results.

Pastors shall have the authority to hear and act upon charges brought against ministers in their local churches. Any minister in disagreement with the decision of his pastor, shall have the right to appeal to his District Bishop or District Elder. If still not satisfied, he shall have the right to appeal to the Board of Bishops.

In 2003, the Progressive Church of Our Lord Jesus Christ, Inc. ordained Ricky Finklea an Elder and appointed him to serve as Pastor of its Sumter Congregation. Elder Finklea accepted his ordination and pastoral appointment with the understanding that he must honor the leadership of the Progressive Church of Our Lord Jesus Christ, Inc. in all things. Elder Finklea's signed Ministerial Reaffirmation Statement, dated July 3, 2003, is attached as Exhibit A.

The following are current ecclesiastical accusations and charges of improper conduct against Elder Ricky Finklea as prepared by the Board of Bishops, the ecclesiastical governance authority of the Progressive Church of Our Lord Jesus Christ, Inc., as established under the cited provisions of the Constitution:

1. Elder Ricky Finklea has expressly violated commitments he made to honor the leadership of the Progressive Church of Our Lord Jesus Christ, Inc. as set forth in his Ministerial Reaffirmation Statement signed on July 3, 2003.
2. Elder Ricky Finklea has elected to disassociate himself from the ministry of the Progressive Church of Our Lord Jesus Christ, Inc.
3. Elder Ricky Finklea is conducting worship services, separate and distinct from the Progressive Church of Our Lord Jesus Christ, Inc., within the Church's property in Sumter, South Carolina and within rented facilities located in Bishopville and Kingstree, South Carolina.
4. Elder Ricky Finklea has erected a new sign displaying, "New Life Apostolic Church," on the Church's property in Sumter, South Carolina and has also defaced the original sign that formerly displayed the proper Church name, "Progressive Church of Our Lord Jesus Christ, Inc."
5. Elder Ricky Finklea does not remit pastoral tithes to the Progressive Church of Our Lord Jesus Christ, Inc. as required of all pastors of the Progressive Church of Our Lord Jesus Christ, Inc. by the Board of Bishops.
6. Elder Ricky Finklea does not remit quarterly financial assessments on behalf of the Sumter Congregation of the Progressive Church of Our Lord Jesus Christ, Inc. as required of all Congregations of the Progressive Church of Our Lord Jesus Christ, Inc. by the Board of Bishops.
7. Elder Ricky Finklea has not remitted annual progress reports on behalf of the Sumter Congregation of the Progressive Church of Our Lord Jesus Christ, Inc. as required of all Congregations of the Progressive Church of Our Lord Jesus Christ, Inc. by the Board of Bishops.
8. Elder Ricky Finklea did not attend the 2019 Convocation of the Progressive Church of Our Lord Jesus Christ, Inc. as is required of all Pastors of the Progressive Church of Our Lord Jesus Christ, Inc., and he provided no excuse for his absence at the Church's annual meeting.
9. Elder Ricky Finklea has repeatedly disavowed, disrespected and acted insubordinate to the Board of Bishops being the ecclesiastical governance authority of the Progressive Church of Our Lord Jesus Christ, Inc. in carrying out his duties as an Elder and Pastor within the Progressive Church of Our Lord Jesus Christ, Inc. Specifically, the following non-exhaustive list of communications from Elder Ricky Finklea is referenced as examples of such improper conduct:
 - a. Email and letter sent by Elder Ricky Finklea dated March 6, 2019
 - b. Email and letter sent by Elder Ricky Finklea dated March 10, 2019
 - c. Email and letter sent by Elder Ricky Finklea dated September 11, 2019
 - d. Email and memorandum sent by Elder Ricky Finklea dated October 17, 2019
 - e. Email and memorandum sent by Elder Ricky Finklea dated October 25, 2019
 - f. Email sent by Elder Ricky Finklea dated November 12, 2019
 - g. Email and letter sent by Elder Ricky Finklea dated November 14, 2019

Copies of the above listed communications are attached as Exhibit B.

Exhibit A

July 3, 2003 Ministerial Reaffirmation Statement signed by Elder Ricky Finklea

PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.

2222-24 Barhamville Road
Columbia, South Carolina 29204-1203

MINISTERIAL REAFFIRMATION STATEMENT

July 3, 2003

I, *Ricky F. Miller* understand that I accepted ordination and/or license, and appointment from the Progressive Church of Our Lord Jesus Christ, Inc., with the commitment and understanding that I am to uphold the apostolic doctrine as taught by the Progressive Church of Our Lord Jesus Christ, Inc., and to honor its leadership in all things. If at any time I cannot honor this commitment, I will honorably submit my license and relinquish all assigned positions in the Progressive Church of Our Lord Jesus Christ, Inc.

Exhibit B

Emails, letters, and memoranda sent by Elder Ricky Finklea

----- Original message -----

From: "Ricky Finklea" <pcsumter@yahoo.com>

To: "Board of Bishops" <boardofbishops@sc.rr.com>, "Bishop Smith" <bishopesmith@aol.com>, "Paul Johnson" <bishoppjohnson@sc.rr.com>, "Bishop Theodore Jenkins" <bishoptjenkins@sc.rr.com>, "Bishop Priester" <progressivechurchcharlotte3@gmail.com>, "bishopdjohnson@sc.rr.com" <bishopdjohnson@sc.rr.com>

Sent: Wed, Mar 6, 2019 at 3:14 PM

Subject: Recommendations/Documentation

To: The Board of Bishops:

This email is being sent to voice several concerns of a group of Pastors, Elders and Ministers. The concerns have been compiled in a document titled, Concerns and Recommendations, dated March 6, 2019. Sufficient supporting documentation has been attached to support these concerns. (Other documentation of concern is also available). It is in hopes that you will receive these documents and give sincere thought to the issues and recommendations. It is our belief that the organization will begin it's healing process if proper attention is given to properly correcting the mistakes and violations of the constitution. It is reasonable and expected that all Pastors, Elders, and members will have a voice in the constitution that represent our religious views and freedoms that are protected by religious freedoms.

Respectfully Submitted

Date: March 6, 2019

Subject: Concerns and Recommendations

To: Presiding Bishop and Board of Bishops

Conclusions

- For 20 years the Progressive Church (PC) operated outside of the realm of its Constitutional By-Laws. This was done in despite of several in the ministerial body (pastors/elders) for many years requesting for the leadership of the church to address this important topic and to ensure the PC compliance to its established Constitution.
- In the spring of 2007, and what appeared to be an abrupt act, and without regard to engagement of the ministerial body, appointments of bishops and a presbytery board were made without any to no regard to the PC's By-Laws or Constitution. For the past 12 years, the appointment of named bishops in 2007, has been under significant concerns and scrutiny by PC members, ministers, pastors, elders, and maybe even bishops themselves. Many have even concluded that according to the PC By-Laws, the appointments were unconstitutional.
- In 2010, and in preparing to go to court to contest the property acquisitions and rights of a local PC congregation in Bishopville, SC, the national PC leadership made a pervasive effort to show the courts that it was operating as a hierarchical organization, and documentation was completed by the PC leaders to create such perception. This included completing state documentation to show local congregations were being governed by a national board, although most of the local boards for the local congregations showed inconsistencies or different members from the appointed Board of Bishops. State documentation was modified of local assemblies, by PC National officials, to remove local members who served on their local boards for 18 or more years. The state documentation was modified without the knowledge of the local pastor and board members
- It is obvious the courts in South Carolina acknowledged the deficit functioning of the PC leadership relative to its constitutional governance of the local congregation of the PC in Bishopville (See attached court ruling). Consequently, the courts ruled for the local PC in Bishopville and indicated the local assembly of Bishopville is the owner of its property they purchased and not the PC national church. Additionally, the court's ruling has implications to the belief and perceived reality that property purchased and maintained by local congregations are the owners of the local property.
- It is highly believed that the current Presiding Bishop's health has been a concerned of several individuals in the ministerial body. Consequently, because of his challenges to

function wholly as the Presiding Bishop due to health reasons, it is being perceived that the four appointed bishops by the presider may be minimizing or equalizing their perceived authority by practicing "one board member, one vote", which may have not been the primary practice of the board in the past.

- It is believed or perceived by some in the ministerial body that the four board members want to legitimize their board function and role despite the lack of constitutionality of their appointments.
- During the Convocation of 2017, the Board of Bishops made a decision to realigning the Districts. Several Pastors, Elders and Ministers rejected a command from the Board to their proposed alignment. The Presiding Bishop stated that the realignment would be put on hold until the Pastors could further voice their opinions. Bishop Jenkins and Bishop Paul Johnson spoke in agreement with the Presiding Bishop. Two days later the Board forced an alignment upon the Pastors that was not agreed upon. Article III Section IV of the Constitution state, (quote) The Board of Bishops shall appoint District Bishops or District Elders to preside over the Districts (end of quote). No where does the constitution state that the Board of Bishops shall appoint themselves.

Recommendations (To Get It Right)

- The current Board of Bishops should be dissolved immediately since they were not appointed according to the PC established constitution.
- A Board of Presbytery should be re-established from individuals who were members in 1988.
- Procedures should be established immediately, through appropriate procedures, to appropriately introduce amendments to amend the PC Constitution.
- At some established time in the future, members from the Board of Presbytery should be selected or appointed to serve in the role as members of the Board of Bishops.
- After the PC Constitution has been legally and appropriately amended and ratified, it should be appropriately introduced to the PC, including entire ministerial and church membership.
- Correct the mistake and abuse of allowing Bishops on the Board to assign themselves over the Districts. Such assignment is not supported by the Constitution. Being that we do not have consecrated Bishops outside of the Board, the Districts should be run by Elders as stated by the Constitution.

(End of Document)

----- Original message -----

From: Ricky Finklea <pcsumter@yahoo.com>

Date: Mar 11, 2019 10:28 PM

Subject: Compiled Letter From Group of Pastors

To: Bishop Theodore Jenkins <bishoptjenkins@sc.rr.com>, Paul Johnson
<bishoppjohnson@sc.rr.com>, Bishop Lang Priester <bishoplpriester@sc.rr.com>,"
bishopdjohnson@sc.rr.com" <bishopdjohnson@sc.rr.com>, Bishop Edward Smith
<bishopesmith@sc.rr.com>

Cc:

Please see the attachment from a Group of Pastors.

March 10, 2019

To: David S. Johnson
Lang Priester
Paul Johnson
Theodore Jenkins

From: Concerned Pastors – (Compiled Letter)

Praise the Lord Pastors:

The course of the Pastor's meeting on March 8, 2019 revealed that the Board of Bishops were not seated according to the Articles of Progressive Church of Our Lord Jesus Christ, Inc. Constitution. The body first became aware of your appointments at the annual Convocation of 2007. You have served in a false and questionable pretense for nearly twelve years. You have acknowledged that you were not appointed from the Board of Presbytery as the Constitution states. At the time of your appointments the Board of Presbytery had been suspended by your agreement and signatures. Over the past years there have been several questions concerning your legitimacy according to the Constitution. The results of a court case several years ago revealed that the Board of Bishops were not appointed according to the rules of the church Constitution. Even after several requests, the results of the case were never revealed to the remaining leadership and members of the organization. It is clear that there was a concealed attempt to hide the results from the church body. Such actions, have violated the trust that is associated with the office you utilized.

The Pastors were invited to a Pastors meeting on March 8, 2019. The importance and urgency of the meeting was stated to the Pastors via email. It is noted that there was a request from the Florida area Pastors to join the meeting by means of voice or video conference. The request was made because the notice for the meeting was not timely. This request was denied. This meeting was dealing with the legitimacy of your appointments. Every Pastor had a right to first hand information concerning this importance issue. At the onset of the meeting it was noticed that two individuals were present in the meeting that were not Pastors, Deacon Dwight and Minister Ron Scott. Deacon Dwight is the National Finance Officer and Ron Scott is the National Secretary and a recently licensed attorney.

At the onset of the meeting Minister/Attorney Scott was presented to make a presentation in defense of the legitimacy of the Board of Bishops. Immediately, two Pastors expressed their objection to him conducting such a meeting. It was expressed that he being on National Board as a secretary, a local minister and acting in the capacity of an Attorney was a conflict of interest. It was also expressed that the Church is represented by other legal authority and that the Church's attorney should be present. The Board of Bishops remained silent.

It is unconscious able to think you would allow a Minister/Attorney to put himself in such legal jeopardy. The American Bar Association and South Carolina Rules of Professional conduct for attorneys, clearly state that Attorney Scott's actions violated several standards and requirements of the

Bar. Your actions violated the security of this Minister's livelihood and breached the legal security of this organization.

Minister/Attorney Scott presented a presentation to undermine a recent court case against the Church and to legitimize the current status of the Board of Bishops. You, the Board of Bishops with the help of Minister/Attorney Scott came up with a plan to reseat your selves, legally, as you thought, on the Board of Bishops. All of your actions to do so was done in secret and without the knowledge of the Pastors, all leaders and the general Church. You do not have the authority to reseat yourselves being that you are not and have acknowledged that you were not seated according to the Constitution of the Church. It could be considered that a fraud with an intent to deceive has been committed upon the Church. Your actions do not represent the standards of this organization.

Over the past several years you have made decisions that have adversely affected the lives of the people of this organization. You have made appointments that you did not legally have authority to do so. You have disciplined individuals under the authority reserved to the Board of Bishops. Your false appointments have placed this organization in the path way of possible negative legal consequences. As well, it is noticeable that the membership of the organization has questioned and never accepted your appointments. Under your leadership the church has suffered the lost of several Pastors and the overall attendance of the organization has decreased significantly. It is clear that your actions over the years have placed the organization in a very fragile and vulnerable state.

Due to the revelations of the March 8, 2019 Pastors meeting, it is clear that the authorities that you utilized were not legal or binding according to the Constitution. Therefore, the appointment of the Board of Presbytery is not legal. The Constitution list the next order of leadership with the Pastors. Therefore, it is the desire of the Pastors that you immediately refrain from any actions or authorities associated with the authority of the Board of Bishops. In the best interest of the Church, it is expected that you will offer your resignation immediately to the Presiding Bishop. It is then that the organization can began its path of healing.

End of Document

End of Document

----- Original message -----

From: Ricky Finklea <pcsumter@yahoo.com>

Date: September 11, 2019 at 9:27:58 PM EDT

To: Bishop Theodore Jenkins <bishoptjenkins@sc.rr.com>, Bishop Paul Johnson

<bishoppjohnson@sc.rr.com>, Bishop Lang Priester

<progressivechurchcharlotte3@gmail.com>, "bishopdjohnson@sc.rr.com"

<bishopdjohnson@sc.rr.com>

Cc: Bishop Smith <bishopesmith@aol.com>

Subject: Response Sept. 01 2019

Reply-To: Ricky Finklea <pcsumter@yahoo.com>

A letter was composed from a group of Pastors/Elders for your viewing.

See Attachment.

September 11, 2019

To: Bishops David S. Johnson, Lang Priester, Paul Johnson, David Johnson

From: Elders Ricky Finklea, [REDACTED]
[REDACTED]

As a group of pastors and Elders of the Progressive Church of Our Lord Jesus Christ, we have received information that once again indicate you have demonstrated your willingness to act in manners that are inappropriate and unconstitutional. As with the case with two past legal cases with former local pastors and elders of the Progressive Church of Our Lord Jesus Christ, you have abused your authority and responsibility.

Not only were you not a legal and constitutional approved body to proceed with the authority to facilitate prosecution of the former church pastors and elders in 2010 and 2016, in a similar manner today, you are not a legal constitutional body that has the authority to intervene in a matter and decision made by a local church pastor. Each pastor of this organization, including each of you, have made personal decisions and appointments of officers in your local assemblies without the interference of national officers or board members. This attempt by you severely undermined the decision of the local church pastor of the Columbia, SC, and of course, the local Pastor of the Columbia Church is the Presiding Bishop and Chairman of the Board. Please know that your repeated behaviors represent a pattern of actions that are consistently abusive and outside of your authority.

Your attempt to intervene in a local church matter, and as in the two previous court decisions, put the entire organization in a vulnerable position that could result in major legal liabilities and losses in the future.

Although you indicated your authority for attempting to intervene in a local church pastor's decision was based upon the PC Constitution, you failed to indicate your assumed board was not constructed according to the official church governing document. Therefore your actions as a board is unacceptable and not legal nor binding.

Your continual actions, such as the ones indicated above, should cease immediately. For the overall best interest and sustainable sustainability of the Progressive Church organization, it is highly recommended that you cease to operate under the false pretense of authority that has not legally been agreed upon by the Pastors and Elders of Progressive Church.

----- Original message -----

From: Ricky Finklea <pcsumter@yahoo.com>

Date: October 17, 2019 at 11:10:23 PM EDT

To: Bishop Paul Johnson <bishopjohnson@sc.rr.com>, "bishopdjohnson@sc.rr.com" <bishopdjohnson@sc.rr.com>, Bishop Theodore Jenkins <bishoptjenkins@sc.rr.com>, Bishop Lang Priester <bishoplpriester@sc.rr.com>, Bishop Smith <bishopsmith@aol.com>

Cc: District 1 Pastors <pcpastors1@sc.rr.com>, District 2 Pastors <pcpastors2@sc.rr.com>, District 3 Pastors <pcpastors3@sc.rr.com>, District 4 Pastors <pcpastors4@sc.rr.com>, District 5 Pastors <pcpastors5@sc.rr.com>

Subject: Response from concerned pastors

Reply-To: Ricky Finklea <pcsumter@yahoo.com>

Please see the attachment below.

MEMORANDUM

October 17, 2019

TO: Pastors, Leaders and Members of the Progressive Church of Our Lord Jesus Christ, Inc.

FROM: Pastors and Elders of the Progressive Church of Our Lord Jesus Christ, Inc.

RE: Response to Executive Orders from Presiding Bishop Edward Smith

In the words of Presiding Bishop Edward Smith, *"it is always right to do the right thing, it is never too late to do the right thing, and if it is not right, we have a lifetime to get it right."*

In light of the above statements, pastors and elders who support the Executive Orders, along with their congregations, applaud the recent action of Presiding Bishop Edward Smith to begin the process of ensuring the organization's compliance with its constitution.

As leaders in the Progressive Church of Our Lord Jesus Christ, Inc. and with centuries of combined years of preaching the gospel of Jesus Christ, we know that truth will prevail in the midst of falsehoods. This represents the major reason for this response to the Executive Orders from Presiding Bishop Smith and the response from the former appointed Board of Bishops.

Please know that Presiding Bishop Edward Smith's health and wellness can only be appropriately evaluated by trained medical experts. It is not the function, nor should be the role of untrained individuals to make public statements regarding the health and function of any citizen, including the Presiding Bishop, if they don't have the authority or expertise to do so.

As concerned pastors and elders, we have voiced very strongly, publicly and privately, verbally and non-verbally, our serious concerns of governance or the lack of appropriate governance structure of the Progressive Church (PC). We have never *"remained deliberately secret."* To create or imply a perception that a few of the Church pastors and elders seek to divide this organization is not only untruthful, misleading, and ungodly, but quite insulting to the **integrity** of God-fearing men. For nearly 25 years (yes 25 years), pastors, elders, current PC church members, past and former PC church members, attorneys, judges, and more — have basically pleaded with PC leadership to do whatever is necessary to get its governance document, the Constitution, in order.

Despite the aforementioned realities, and the ruling of unfavorable court cases, spending perhaps hundreds of thousands of dollars on legal fees, there yet remain those (the former appointed Board of Bishops) who continue to advocate, as they demonstrated this week, a spirit of defiance and bullying in regards to Bishop Smith's

ROA 00324

orders for perceived personal reasons or pride to maintain non-compliance of the PC Constitution.

As almost with every legal and appropriate constitution in the history of mankind, two major components are necessary. First, a clearly defined amendment process (the way you change or do things differently from the original document); secondly, a ratification procedure, which includes the individual or individuals selected or authorized to vote on the amendment. Needless to say, the PC Constitution does not have either. For the most part, as it relates to church governance, rules have been made up or created "as we go along" to maintain the status quo, disregarding the necessity of an amendment process or appropriate ratification. Please know, boards of any sort and in any venue, are designed for the purpose of serving the masses and not the few. But the practiced realities that we are observing from the former Board of Bishops are designed to serve the personal interests of a few and not the masses.

Case and point, please review and take note of the activities below that have taken place in recent times:

(1). The pastors and elders have ample documentation requesting meetings over the past four months with the former Board of Bishops, but were given several excuses as to why they could not meet with the pastors and elders. However, the former Board of Bishops found the time to meet as a group on a regular basis.

(2). Despite not finding the time to meet with the elders and pastors as a group, one of the members of the former Board of Bishops met with some of the pastors and elders and heard their serious concerns. It is highly believed that the concerns he heard were communicated back to the former Board of Bishops.

(3). On March 8, 2019, in a meeting held in Columbia, SC, at the PC Headquarters Church, the former Board of Bishops, with a presentation by the PC National Secretary presenting information in the role of an attorney, communicated to a group of pastors and elders that Bishop Edward Smith had inappropriately, and unconstitutionally, received approval to suspend the PC Constitution in 1988. He further communicated that the Board of Bishops appointed by Presiding Bishop Edward Smith was inappropriate and unconstitutional. During this meeting, the former Board of Bishops showed no disagreement to the fact that Presiding Bishop Edward Smith acted unconstitutionally in 1988, as well as in 2007, with their appointments as bishops to serve on the PC governing board.

(4). According to the National Secretary/Presenting Attorney, to bring the PC Constitution in compliance, the PC had to refer back to the Presbytery Board members who were in place in 1988 and appoint a Board of Bishops from this group. Please note that some members of the Presbytery Board that was in place in 1988 were either deceased (J.D. Williams), left the PC (Roscoe Black), or perhaps operating in a questionable functional capacity (Robert Mingo, according to close immediate family members). According to the National Secretary/Presenting Attorney, this left only Lang Priester, David Johnson, and Theodore Jenkins to be appointed bishops by Bishop Edward Smith. Please note this type of activity is taking place in early 2019. According to the information above, this indicates the PC would have two Boards of Presbyteries in operation at the same time. This alone makes no spiritual or common sense.

(5). Despite the above information not making spiritual or common sense, the above actions were occurring in secret without the knowledge or notice to the current Board of Presbytery, elders, or pastors. And not only that, one of the appointees to the former Board of Bishops had no prior membership on any Board of Presbytery, which is clearly indicated, as a requirement in the PC Constitution if one is to be appointed or confirmed as a bishop. Additionally, not only was there not an appropriate ratification of the above activities by the pastors or elders, it was falsely reported by a member of the former Board of Bishops at the 2019 PC Holy Convocation that the pastors and elders approved the mysterious activities by the former Board of Bishops in February of this year.

You should take special note that it was reported previously by the former Board of Bishops in a report this week that the Presiding Bishop participated in the above activities in February 2019, but was assumed to be healthy and well and able to make such decisions and appointments. But, in their new assumed roles as medical experts, the Board of Bishops have reported Presiding Bishop Smith to not be well as he made decisions regarding recent Executive Orders. The former Board of Bishops have made such a report without appropriate medical documentation to do so. It is only appropriate for such statements to come from Bishop Edward Smith, his family, or authorized representatives.

(6). The communication sent by the former Board of Bishops referencing the Memorandum and Executive Orders signed by Bishop Edward Smith stated that *"others...undoubtedly wrote this communication on Bishop Smith's behalf."* We are sure the same assumption can be made regarding the communication that was written by the former Board of Bishops.

Lastly, it remains critical that PC aligns with full compliance to its Constitution relative to the operations of the organization. By not operating in compliance to its constitution, the PC will continue to exist with significant legal and other risks. It is for these reasons we support the Executive Orders made by Bishop Edward Smith to help ensure and sustain the future of the PC organization. **Time is running out, but we still can get it right!**

God Bless You All,

Pastors and Elders Committed to Doing the Right Thing,



Elder Ricky Finklea



From: Ricky Finklea <pcsumter@yahoo.com>
Date: October 25, 2019 at 11:01:36 PM EDT
To: District 1 Pastors <pcpastors1@sc.rr.com>, District 2 Pastors <pcpastors2@sc.rr.com>, District 3 Pastors <pcpastors3@sc.rr.com>, District 4 Pastors <pcpastors4@sc.rr.com>, District 5 Pastors <pcpastors5@sc.rr.com>
Subject: Response from concerned Pastors
Reply-To: Ricky Finklea <pcsumter@yahoo.com>

See the response in the attachment.

MEMORANDUM

October 25, 2019

TO: Pastors and Leaders of the Progressive Church of Our Lord Jesus Christ
FROM: Concerned Pastors and Elders - Progressive Church of Our Lord Jesus Christ
RE: Analysis, Observations, and Conclusions of Documents Received

We have reviewed the information received last week regarding the Executive Orders of Presiding Bishop Edward Smith, as well as matters communicated to members of the Progressive Church of Our Lord Jesus Christ, Inc. After a review of the information, and a more thorough research of the historical operations of the Progressive Church of Our Lord Jesus Christ (PC), Inc., we would like to share some observations, perceptions, facts, analysis, and or conclusions regarding the governance of the organization:

- The information provided included opinions by law firms regarding the current structure and necessary actions that are needed to ensure that PC comes into compliance with its constitution. One of the law firms is the law firm of I.S. Leevy Johnson, who has been recognized as the PC attorney for over 30 years. The opinion provided by Mr. I.S. Leevy Johnson appears to have been disregarded or ignored relative to actions needed to bring the PC Constitution in compliance. Attorney Leevy Johnson concluded that an amendment procedure was needed in order to move forward with the PC constitution becoming compliant. The alleged Board cannot be legal or in compliance without an amendment process. The amendment process must be presented to the Pastors and Elders for ratification.
- There is additional credible information that indicates that PC has never fully operated in compliance with its constitution that was ratified on August 18, 1983. According to the information received last week, Articles of the PC Constitution as indicated on page 1 on the Declaration Page behind Tab 1, were to be implemented by PC in the future and by the end of the 40th Holy Convocation in August 1984. According to what appears to be credible information from former PC members of the clergy, the full implementation of these pertinent articles never occurred between August 1983-April 1987. It has been reported by the clergy, including a former member of the original Board of Presbytery, that the original Board of Presbytery was not appointed by a Board of Bishops in 1983, as mandated by the PC Constitution, but by Bishop Edward Smith in a unilateral manner in 1987. If the Presiding Bishop cannot act unilaterally in 2019, he did not have the authority to act unilaterally in 1987 or any other time without an amendment procedure being established with the ratification by PC pastors. The clergy never recalled having a meeting as a Board of Presbytery before 1987. The information received did not include any evidence to substantiate there was

a Board of Bishops nor a Board of Presbytery between the years of 1983 to April 1987.

- Based upon credible information, this would make the original appointments of the members of the Board of Presbytery unconstitutional, as well as the selection of current members of the Board Bishops, who were selected from the perceived original Board of Presbytery. As indicated previously, there are no written documents in the materials submitted that substantiate that PC had a duly elected Board of Presbytery between 1983 - April 1987, as well as a duly elected Board of Bishops. If this is truly the case, the authority of the PC rests within the Presiding Bishop and PC pastors.
- As you are aware of the past practice for more than 32 years, Bishop Edward Smith has provided the final voice and authority in his role as Presiding Bishop on many of the business and spiritual matters of local churches and the national church organization. He has served as the pastor of all local pastors. This was also the practice by the two previous presiding bishops before Bishop Smith.
- If the legal opinion of Haynesworth Sinkler Boyd, P.A. is accepted, as is being advocated for by the Board of Bishops appointed by Bishop Edward Smith, this would indeed be a drastic change in the governance and paradigm of ministerial practices in the PC organization. For this reason alone, it is critical that local pastors and leaders are engaged in "Change Management" (from start to finish) in such a matter as addressing and implementing compliance to the PC Constitution. Understanding and recognizing related issues surrounding "Change Management" is absolutely a necessity in the times in which we live for any organization that desires to be *effective* and *efficient* in business and other related matters. It's even more critical in attempting to rectify 36 plus years of operating out of compliance with the church's Constitution.
- The documents submitted contain the Court Rulings of the *Progressive Church vs. Roscoe Black and Others*. While the final ruling of this case may not be used to serve as a precedent, the judge highlights that the PC Constitution does not prohibit local congregations from owning property that they purchase and **maintain**. This stance is shared by many in the ministerial and judicial profession as well as pastors and members of PC.
- The documents received indicate that the legal opinion provided by Haynesworth Sinkler Boyd, P.A., would probably withstand legal challenges if presented to the Courts. This is a road we strongly believe would not be very wise for PC to ride down. In considering the very high level of disagreement with the current leadership of PC regarding compliance issues of the constitution, its none or lack of compliance since the origination of the governance document, and the uncertainties that are too many to specify, it would not be very wise for PC to test the opinion of Haynesworth Sinkler Boyd, P.A. in a court of law.

- Given the nearly 40 years of non-compliance to its constitution, it is our opinion, that the entire PC organization and membership would be best served spiritually if the original PC Constitution is totally repealed, or the appropriate amendment procedures are established through an appropriate ratification process by the Presiding Bishop and pastors.
- The information submitted also makes references to a title transfer of the property from the Progressive Church of Our Lord Jesus Christ, Inc. to the Progressive Church-Tallahassee. To ensure all members who received this information understand the full context of the matter, information will be forwarded, via another email from the leadership of the Tallahassee Church, regarding the title transfer for their review.

Respectfully Submitted,

A black rectangular redaction box covering the signature of Elder Ricky Finklea.

Elder Ricky Finklea

A black rectangular redaction box covering the contact information of Elder Ricky Finklea.

From: "Ricky Finklea"
To: "Bishop Paul C. Johnson"

Sent: Tuesday November 12 2019 2:51:38PM
Subject: Re: Letter to Elder Ricky Finklea

You are not the legal Progressive Church Board of Bishops. I do not expect this harassment and acts of intimidation to continue.

Ricky Finklea

On Tuesday, November 12, 2019, 02:24:35 PM EST, Bishop Paul C. Johnson
<bishoppjohnson@sc.rr.com> wrote:

Praise the Lord, Elder Finklea. Attached is a letter to you on behalf of the Board of Bishops. We look forward to your reply.

Bishop Paul C. Johnson
Secretary of the Board of Bishops

----- Original message -----

From: Ricky Finklea <pcsumter@yahoo.com>

Date: 11/14/19 9:58 AM (GMT-05:00)

To: Bishop Paul Johnson <bishoppjohnson@sc.rr.com>

Cc: Board of Bishops <boardofbishops@sc.rr.com>, Ricky Finklea <pcsumter@yahoo.com>

Subject: Response to email dated November 8, 2019

Please see the attachment.

Ricky Finklea

November 14, 2019

To: Paul Johnson

In response to your e-mail dated November 8, 2019

I am not sure if your most recent response is from you or the most recently rescinded board of bishops. It is my understanding that Bishop Smith has acknowledged the mistake of your appointments. According to documentation and a judicated court case, it is clear that you and others have occupied a position that is not legal, according to the constitution of Progressive Church. Under your illegal tenor, I have been the subject of constant harassment and acts of intimidation. My health and mental capacity have been greatly diminished by these constant and current acts. If these illegal activities do not immediately cease, please be notified that it is my intent to use the full force of the legal system to stop these illegal actions. At this point it may be best for the courts to decide if your actions are legal.

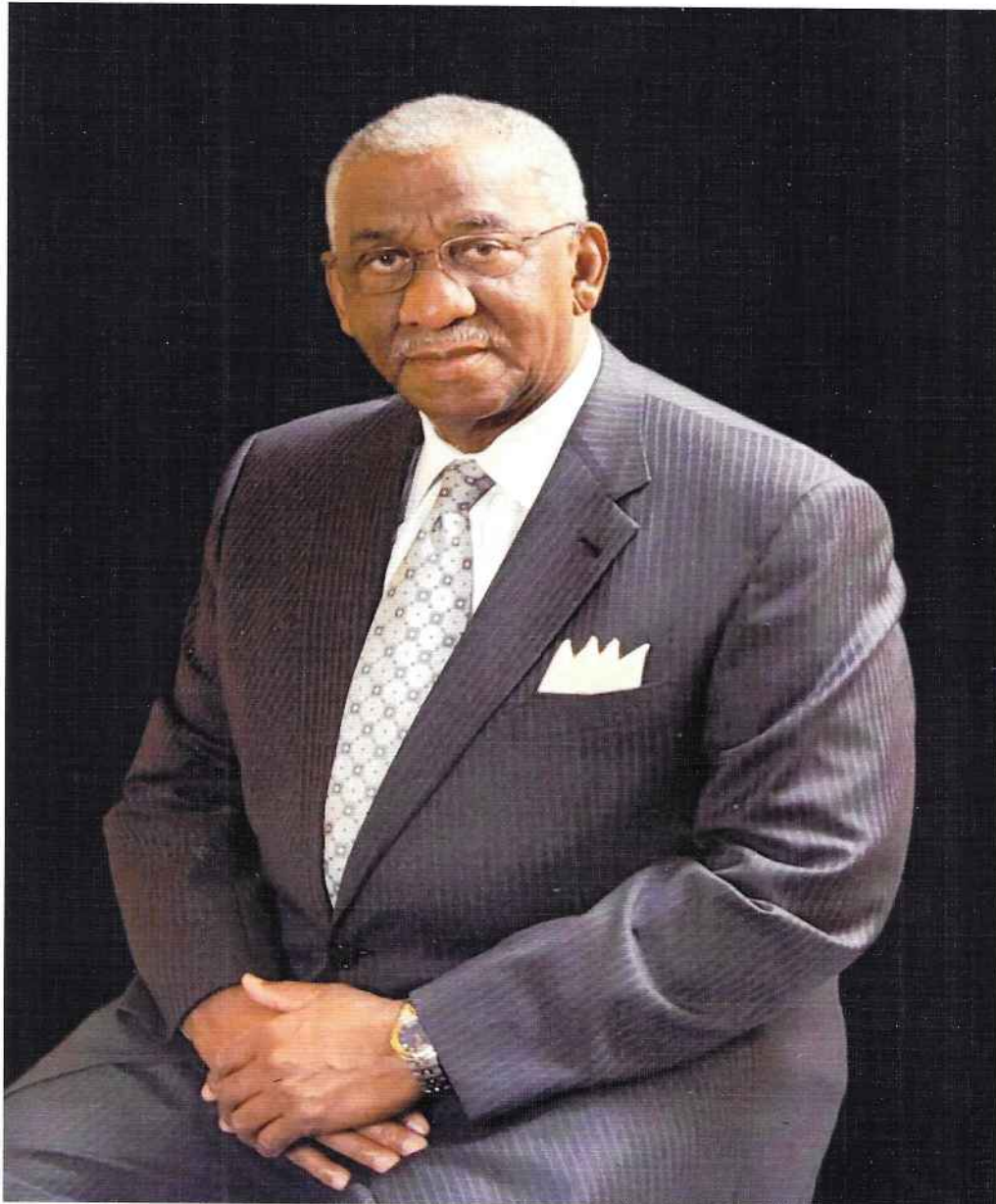
I will be sending a copy to the other individuals you referenced in your e-mail.


Ricky Finklea

Celebrating His Life and Legacy

EXHIBIT 8

ELECTRONICALLY FILED - 2021 Mar 31 4:06 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863



Presiding Bishop Edward Smith

January 24, 1933

ROA 00334
November 10, 2020

Order of Service

Officiating
Elder Thomas Smith
Associate Pastor

Progressive Church of our Lord Jesus Christ
Columbia, South Carolina

Processional

Congregational Song

Blessed Assurance

Prayer

Elder Ricky Finklea, Pastor
Progressive Church of our Lord Jesus Christ
Sumter, SC

Scripture

Old Testament-Job 19:23-29

Elder Tearl Stocker, Pastor
Progressive Church of our Lord Jesus Christ
Williamston, SC

New Testament-2 Timothy 4:1-8

Minister Joshua Finklea, Pastor
Kingstree, SC

Reflections

Representing the National Clergy
Elder Roy Brockington, Pastor
Progressive Church of our Lord Jesus Christ
Mullins, SC
Co-Chairman Board of Presbytery

Representing the National Church Departments
Elder George Dennis

Brother Bengie Leverette
President of Columbia Youth Department

Tribute to Presiding Bishop Edward Smith

Elder and Sister Wender (Callie) Gavin
Pastor and First Lady
Progressive Church of our Lord Jesus Christ
Tallahassee, Florida
Presented by

Elder Timothy Beard, Pastor
ROA 00335
St. Petersburg, FL

Order of Service

Reflections

Friend
Attorney I.S. Leevy Johnson

Family Tribute

Musical Selection
Jeffrey Zeigler, Cousin
Brooklyn, NY

Family Tribute

Brother David Nathaniel Smith, Son
Richmond, VA

Acknowledgements

Sister Janie Davis, Vice President
National Women Department

Poem.

Ode to Pastor

Sister Karen James

Congregational Song

It is Well

Eulogy

Elder William E. Smith, Pastor
Progressive Church of our Lord Jesus Christ-Denmark, South Carolina
Chairman, Board of Presbytery

Recessional

. Battle Hymn of the Republic
Arranged by Peter Wilhousky
Performed by the US Army. Band and Chorus

Private Interment

Services of Commendation
Committal, Closing Prayer, Benediction and Internment
Progressive Church of Our Lord Jesus Christ Cemetery

ROA 00336



PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.
2222-24 Barhamville Road
Columbia, South Carolina 29204
Phone: 803.254.6106 Fax: 803.256.0420
Email: ProgressiveChurchHQ@sc.rr.com

December 11, 2020

VIA PERSONAL DELIVERY

Elder Ricky Finklea
2125 N. Main Street
Sumter, South Carolina 29150

RE: Notice of Ecclesiastical Trial Results and Action Required

Dear Elder Finklea,

Greetings in the name of our Lord Jesus Christ. I write to you on behalf of the Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Inc. ("Progressive Church"). As you know, in 2003 the Progressive Church ordained you an Elder and appointed you as Pastor of our Sumter Congregation. We have great love for the saints in Sumter, South Carolina, some of whom have worshiped at the Progressive Church for many years.

Over the past several years, the Board of Bishops has addressed concerns regarding your failure to honor, respect, and obey the leadership of the Progressive Church. We have repeatedly addressed these concerns with you privately and publicly, according to the Word of God, and you have refused to comply. In fact, when our late Presiding Bishop Edward Smith openly rebuked you and other clergy during a national ministerial meeting, you were the only member of the clergy to angrily walk out of the meeting while disrespectfully shouting to Bishop Smith that you are "not a coward." You have continued such open disrespect and defiance, culminating with your recent placement of a new sign displaying, "New Life Apostolic Church," on property in Sumter, South Carolina owned by the Progressive Church.

Over a year ago, on December 6, 2019, the Board of Bishops conducted an Ecclesiastical Trial, according to our Church Constitution, involving several Accusations and Charges of Improper Conduct against you. Although you received documented notice of the Ecclesiastical Trial, you failed to attend as required by the Board of Bishops and provided no explanation for your absence. In accordance with the spiritual authority conferred by the Word of God in Matthew 18:18 and Romans 16:17-18 and in accordance with Article VIII, Section I of our Church Constitution, the Board of Bishops determined that reasonable grounds existed for all Accusations and Charges of Improper Conduct against you. In spite of this, we continued to prayerfully exercise patience hoping that you would repent of your actions. Unfortunately, you did not. Instead, you recently expressed that you no longer consider yourself to be a part of the Progressive Church. Accordingly, the Board of Bishops has decided that all ministerial credentials issued to you by the Progressive Church to function in any office of the clergy are revoked effective immediately.

ROA 00337

Letter to Elder Ricky Finklea
December 11, 2020
Page 2

By December 31, 2020, you must vacate the Progressive Church's property in Sumter, South Carolina and remove all your personal belongings. The Progressive Church paid the full purchase price for our church property in Sumter, South Carolina from the National Church Mission Fund. Your new organization, "New Life Apostolic Church, Inc.," neither has permission nor legal rights to use or occupy the Progressive Church's property. The Board of Bishops will separately communicate with saints of the Sumter Congregation about plans to continue ministry services for them at the Progressive Church in Sumter, South Carolina. We are committed to do all that is necessary to support the saints in Sumter who desire to remain faithful to the Progressive Church. The Progressive Church will also take action to remove and replace the signage you have improperly placed on its property.

We deeply regret the need for these actions. Proverbs 6:16, 19 warns us, "[t]hese six things doth the LORD hate: yea, seven are an abomination unto him ... he that soweth discord among brethren." The Progressive Church has long withheld disciplinary action while you have continued to sow seeds of discord, disrespect, and division among the clergy and the saints. Our patience has reached its end, and your actions will no longer be tolerated. You have unquestionably hindered the ministry of the Progressive Church and have distracted some from the true mission of the church, which is the saving of souls.

If you desire to remain with the Progressive Church, the Board of Bishops is open to that option and willing to discuss with you any disciplinary action and next steps it determines to be appropriate. A response from you is therefore required by **December 18, 2020** on the following options:

1. If you chose to remain with the Progressive Church, you must immediately meet with the Board of Bishops to discuss your status with the church and next steps, including any disciplinary action decided upon by the Board.
2. If you chose to continue your separate ministry as New Life Apostolic Church, Inc., you must personally vacate the Progressive Church's property in Sumter, South Carolina by December 31, 2020.

Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board's decision that you vacate the Progressive Church's property in Sumter, South Carolina by December 31, 2020.

If you have questions, you may email them to BoardofBishops@sc.rr.com.

Christ's Servant,



Bishop Paul C. Johnson
Secretary of the Board of Bishops

cc: Board of Bishops



PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.
2222-24 Barhamville Road
Columbia, South Carolina 29204
Phone: 803.254.6106 Fax: 803.256.0420
Email: ProgressiveChurchHQ@sc.rr.com

January 25, 2021

VIA MAIL AND EMAIL

Elder Ricky Finklea
2125 N. Main Street
Sumter, South Carolina 29150

RE: Revocation of Ministerial Credentials and Ecclesiastical Office

Dear Elder Finklea,

Greetings in the name of our Lord Jesus Christ. I write to you on behalf of the Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Inc. ("Progressive Church"). As you know from previous correspondence sent to you on December 11, 2020, the Board of Bishops determined that reasonable grounds existed for several accusations and charges of improper conduct against you and required immediate corrective action from you. Instead of complying with the spiritual directives of the Board of Bishops, on December 18, 2020, you filed a lawsuit against the Progressive Church and against each individual member of the Board of Bishops.

In documents filed with your December 18, 2020 lawsuit, you formally declared your disassociation from the Progressive Church. The Board of Bishops hereby accepts your disassociation from the Progressive Church, revokes all ministerial credentials and licenses issued to you to operate as a member of the clergy, and rescinds your authority to operate in any capacity of ministry within the Progressive Church.

We deeply regret the need for these actions, but you have willfully chosen to pursue the path of discord and division. Proverbs 6:16, 19 warns us, "[t]hese six things doth the LORD hate: yea, seven are an abomination unto him ... he that soweth discord among brethren." The Progressive Church has long withheld disciplinary action while you have continued to sow seeds of discord, disrespect, and division among the clergy and the saints. You have unquestionably hindered the ministry of the Progressive Church and have distracted some from the true mission of the church, which is the saving of souls.

If, in the future, the Lord grants you repentance and a desire for reconciliation, we remain open to talking with you. Until then, you remain in our prayers.

Christ's Servant,

Bishop Paul C. Johnson
Secretary of the Board of Bishops

cc: Board of Bishops

ROA 00339



Pastor: Elder Ricky Finklea

508 North Main Street Sumter SC29150

January 29, 2021

Paul C. Johnson
Progressive Church of Our Lord Jesus Christ, Inc.
2222-24 Barhamville Road
Columbia, South Carolina 29205

Dear Mr. Johnson:

I am in receipt of your letter to me, dated January 25, 2021. I understand from the letter that you and the other improperly appointed bishops have invoked power that you do not possess to revoke all credentials and licenses granted to me by the Progressive Church. While your actions lack validity because they are not made by a duly appointed governing board, they are of no consequence because I do not operate under any authority bestowed by the Progressive Church.

In your letter, you inaccurately state that I formally disassociated from the Progressive Church when I filed a lawsuit on December 18, 2020. This is incorrect as I disassociated from the Progressive Church, along with the Sumter congregation, on July 20, 2014. Notice of the disassociation was provided to the District Bishop who presided over the district for the Sumter congregation, Joseph D. Williams, and to the Presiding Bishop of the Progressive Church, Bishop Edward Smith.

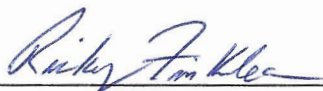
Further, I discussed the disassociation with Bishop Smith, along with the formation of the New Life Apostolic Church, on several occasions following the initial notice of disassociation that was provided to the Progressive Church in 2014. Bishop Smith, along with many other saints, were well aware that after its formation, the New Life Apostolic Church experienced significant growth in membership and made substantial improvements to Church property without any financial assistance from the Progressive Church.

Your letter also contains a misleading reference to an alleged determination that I committed improper conduct. Any determination of this nature would be improper for several reasons. First, I was not a member of the Progressive Church when any allegations were brought forward and therefore, I was not subject to the Church's rules at the time you allege the proceedings occurred. Second, the matter was not heard by a properly constituted ecclesiastical body. Third, the purported trial must have been held in my absence without any consideration for due process or fundamental fairness. As such, I do not believe that the alleged determination has any weight in the eyes of God or His Faithful.

Your letter concludes with an assertion that I have chosen a path of discord. This could not be further from the truth. I have chosen to adhere to the teachings that I preach. I have also chosen to voice concerns when faced with improprieties and misdeeds committed by those who claim to be ministers of

the Word of God. I am, and will always be, in favor of reaching an agreement through collegial discourse, and I welcome any communications that convey a sincere desire for reconciliation.

Sincerely,



In Christ,

Elder Ricky Finklea, Pastor

New Life Apostolic Church



cc: Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and James Y. Becker, Esq.

May the blessings of God enrich your life today!

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

New Life Apostolic Church, Inc., and Ricky Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

**DEFENDANTS MEMORANDUM IN
SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT**

I. INTRODUCTION

Plaintiff Ricky Finklea (“Finklea”) is the pastor of Plaintiff New Life Apostolic Church, Inc. (“NLAC”), a church corporation formed by Finklea in December 2014. Finklea is also a former pastor and elder of the Defendant Progressive Church of our Lord Jesus Christ, Inc.’s (“Progressive Church” or “Church”) local congregation in Sumter, South Carolina (the “Sumter Congregation”). The individual Defendants are the members of the Progressive Church’s Board of Bishops, its highest governing body for both ecclesiastical and secular matters.

At its core, this dispute concerns the ownership of the real property purchased by the Progressive Church and used by the Progressive Church’s Sumter Congregation. The property is comprised of four adjoining parcels located in Sumter, South Carolina (collectively the “Sumter Property” or “Property”). The separate parcels are located at 219 Crescent Avenue, which was purchased by and conveyed to the Progressive Church by deed in 1998 (“1998 Deed”); and 502

N. Main Street, 504 N. Main Street, and 508 N. Main Street, which were purchased by and conveyed to the Progressive Church by deed in 2005 (“2005 Deed”).

In the Amended Complaint, Plaintiffs assert three causes of action for equitable legal relief. In the First Cause of Action for Declaratory Judgment, Plaintiffs assert numerous allegations regarding the past and present ecclesiastical and secular governance of the Progressive Church. They seek a declaration from this Court that “(1) the Individual Defendants are not the governing board of the Progressive Church and have no authority to take action on behalf of the Progressive Church;” and “(2) the procedures in Article V of the Church Constitution shall be used for filling the vacancies on the Progressive Church’s Board of Bishops or, in the alternative, the Board of Bishops shall be determined by the Progressive Church membership at a Convocation.” Am. Compl. ¶ 62.

The Plaintiffs’ First Cause of Action also seeks declaratory relief regarding the Sumter Property as follows: “(3) the deed for the Property recorded by the Individual Defendants on September 20, 2019 (“2019 Deed”) is invalid; (4) NLAC is the successor in interest of the Sumter congregation of the Progressive Church with respect to the Property; and (5) NLAC has rightful possession of the Property and cannot be evicted or otherwise removed from the Property by the Individual Defendants.” Am. Compl. ¶ 62. The Plaintiffs’ Third Cause of Action also involves the Sumter Property and is for reformation of the 1998 and 2005 Deeds “so that they reflect that NLAC is the owner of the Property.” Am. Compl. ¶ 74.

Plaintiffs Fourth Cause of Action is an “alternative” claim for quantum meruit, which applies only “if the Progressive Church is deemed to be the owner of the Property,” and in which case Plaintiffs allege “the Progressive Church would receive a significant financial and operational benefit as a result of the Property maintenance and improvements made by Plaintiffs

since July of 2014,” the retention of which Plaintiffs assert would be unjust. Am. Compl. ¶¶ 83-84.

Plaintiffs’ Second Cause of Action seeks preliminary injunctive relief and is completely derivative of and dependent upon the ultimate success of the First and Third Causes of Action. Plaintiffs are not entitled to a preliminary injunction unless they can demonstrate “a likelihood of success on the merits” of their substantive legal claims. *Poynter Invs., Inc. v. Century Builders of Piedmont, Inc.*, 387 S.C. 583, 586, 694 S.E.2d 15, 17 (2010).

Defendants move for summary judgment on all of Plaintiffs’ claims based on their Second, Third, and Fourth Affirmative Defenses, respectively, lack of subject matter jurisdiction, failure to state a claim, and lack of standing. Plaintiffs have no standing to pursue their First, Second, and Third Causes of Action, in their entirety. There is no genuine issue of material fact that Plaintiffs were not members of the Progressive Church at the time this action was filed, and Plaintiffs thus lack standing to contest the past and present ecclesiastical and secular governance of the Progressive Church or its ownership of real property.

This Court lacks subject matter jurisdiction to hear the Plaintiffs’ First Cause of Action for declaratory judgment, or at least those allegations regarding the past, present, and future internal governance and administration of the Progressive Church, because as a matter of law, civil courts are prohibited by the First and Fourteenth Amendments to the United States Constitution from reviewing the internal and ecclesiastical affairs and decisions of religious organizations.

The Plaintiffs fail to state a claim on their Third Cause of Action for reformation of the 1998 and 2005 deeds to the Sumter Property, because there is no genuine issue of material fact that the Plaintiffs were not parties to either of the deeds nor in privity with any of the parties to

the deeds. Plaintiffs also fail to state a claim on their Fourth Cause of Action for quantum meruit, because there is no genuine issue of material fact that the Defendants owe no legal duties of disclosure, or otherwise, to the Plaintiffs, and Plaintiffs cannot establish any other cause of action that would allow recovery for unjust enrichment.

Finally, Defendants also move for summary judgment on their First Counterclaim for Declaratory Judgment and Second Counterclaim for Trespass on the grounds there is no genuine issue as to the following material facts:

(1) the Progressive Church is the exclusive and sole holder of record legal title to the Sumter Property, and thus has the sole right to the exclusive, peaceable possession of that Property;

(2) the Church Constitution is the governing document for the Progressive Church and it vests ecclesiastical and secular governance authority for the Progressive Church solely in the Board of Bishops, as the highest ecclesiastical body in the Progressive Church;

(3) Plaintiffs are not a part of or members of the Progressive Church and have no permission from the Progressive Church, and no contractual or other legal or equitable rights to use, possess, or occupy the Progressive Church's Sumter Property; and

(4) Plaintiffs have, since at least July 2014, interfered with the Progressive Church's right to the exclusive, peaceable possession of the Sumter Property.

For the reasons argued below, summary judgment should be granted in favor of Defendants.

II. FACTUAL BACKGROUND

A. The Progressive Church is a hierarchical church founded in 1944 in Columbia, South Carolina and incorporated under South Carolina law in 1953.

The Progressive Church was founded in 1944 in Columbia, South Carolina, and on October 5, 1953, was incorporated under South Carolina law. P. Johnson Aff. ¶¶ 5-6. The incorporating documents for the Progressive Church confirm that the Progressive Church “holds, or desires to hold, property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes.” P. Johnson Aff. ¶ 6. The Progressive Church is a hierarchical church with its headquarters office in Columbia, South Carolina, from which it provides secular, spiritual, and ecclesiastical governance and oversight for its local church congregations in South Carolina, North Carolina, Georgia, Florida, and New York. P. Johnson Aff. ¶¶ 9, 12.

The local congregations of the Progressive Church are established by and governed under the hierarchical authority of the Progressive Church and are organized as a body of churches that operate by the same faith, doctrine and administration. P. Johnson Aff. ¶ 10. The Progressive Church has operated under a governance system of hierarchical polity and has generally observed an annual ruling holy convocation since its founding and under Article IX of the Church Constitution. P. Johnson Aff. ¶ 10. In some instances, the Progressive Church allows existing local congregations into the Progressive Church, upon approval by the Board of Bishops. P. Johnson Aff. ¶ 10. The Progressive Church also establishes financial assessments for the local congregations, and establishes rules of order, faith, doctrine, administration and standards by which it requires each of its local congregations to operate. P. Johnson Aff. ¶ 11.

B. The Progressive Church's 1983 Constitution is its current governing document.

The August 18, 1983, Church Constitution ("Church Constitution") is the current and official bylaws and governing instrument of the Progressive Church. P. Johnson Aff. ¶ 8; P. Johnson Aff. Ex. 2. Article I, Section III, of the Church Constitution states "the purpose of this organization is to teach the doctrines and beliefs of the Apostolic Faith and to *own, establish and maintain churches*, thereby perpetuating the Progressive Church of our Lord Jesus Christ, Inc." (Emphasis added.)

Article III, Section II, of the Church Constitution expressly provides that the Board of Bishops "shall govern the church in both spiritual and secular matters" and "shall be responsible for the overall operation of the church and its financial growth and stability." No other individuals or bodies within the Progressive Church have any such governance authority or power. P. Johnson Aff. ¶ 13. The Board of Bishops is the governing board and highest ecclesiastical authority in the Progressive Church. P. Johnson Aff. ¶ 13.

Article I, Section IV, of the Church Constitution provides that the Progressive Church "shall function on National, District, and Local levels." Local congregations of the Progressive Church are not self-governed by saints¹ but are governed by the Progressive Church's Board of Bishops, according to Article III, Section II, of the Church Constitution. P. Johnson Aff. ¶ 16. Pastors who serve local congregations of the Progressive Church, and who are assigned and credentialed by the Progressive Church's Board of Bishops, are appointed, removed and reassigned at the ecclesiastical discretion of the Board of Bishops. P. Johnson Aff. ¶ 18. The Progressive Church maintains oversight of the business and financial matters of its local

¹ The Progressive Church has ecclesiastical or spiritual members that it often refers to as "saints," "parishioners," or "members of our church," but it does not have corporate "member[s]" as defined in the South Carolina Nonprofit Corporation Act. S.C. Code Ann. § 33-31-140(23)(a).

congregations and has removed pastors of its local congregations for failure to adhere to the Church's policies for business and financial matters. Dwight Aff. ¶¶ 7-11.

The members of the Progressive Church's Board of Bishops are Bishop Theodore Jenkins, Sr., Presiding Bishop, Bishop Paul C. Johnson, Board Secretary, Bishop David S. Johnson, Sr., and Bishop Lang Priester. P. Johnson Aff. ¶ 13. The members of the Progressive Church's Board of Bishops are duly appointed and authorized to make governance decisions on behalf of the Progressive Church. P. Johnson Aff. ¶ 13.

C. Pursuant to its Articles of Incorporation, the Progressive Church has purchased and held church real property in its corporate name for more than 60 years.

Pursuant to the Progressive Church's 1953 Articles of Incorporation, and including before adopting its 1983 Church Constitution, the Progressive Church has, since at least 1958, purchased and titled the real property used by its local congregations as places of worship in its official corporate name: Progressive Church of Our Lord Jesus Christ, Inc. P. Johnson Aff. ¶ 14. The Progressive Church owns real property in North Carolina, South Carolina, Georgia, and Florida. The Progressive Church's properties are titled and held in the formal corporate name of the Progressive Church of Our Lord Jesus Christ, Inc., with maintenance responsibilities and building upkeep generally attended to by saints of each local congregation of the Progressive Church. P. Johnson Aff. ¶ 14.

D. In 1991, the Progressive Church established a local congregation in Sumter, South Carolina and purchased real property to further its local ministry in Sumter, South Carolina.

In 1991, upon approval by the Progressive Church and under Article I, Section IV, of the Church Constitution, Bishop David S. Johnson, Sr. established the Sumter Congregation, as a part of the hierarchical Progressive Church. D. Johnson Aff. ¶ 7. The Progressive Church

appointed Bishop David S. Johnson, Sr. as the initial pastor of the Sumter Congregation. D. Johnson Aff. ¶ 7. Bishop David S. Johnson, Sr. served as pastor of the Sumter Congregation from 1991 through 2003 and thereafter served in an ecclesiastical supervisory capacity to the Sumter Congregation and Finklea, who succeeded Bishop David S. Johnson, Sr. as pastor of the Sumter Congregation. D. Johnson Aff. ¶ 7. The Progressive Church maintained oversight of the business and financial affairs of the Sumter Congregation from its beginning. Dwight Aff. ¶¶ 12-14.

In 1998, Bishop David S. Johnson, Sr. made a request to the Progressive Church to purchase real property at 219 Crescent Avenue in Sumter, South Carolina as a permanent place of worship for the Sumter Congregation. D. Johnson Aff. ¶ 9. On August 10, 1998, the Progressive Church purchased the initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina for a purchase price of \$59,750. D. Johnson Aff. ¶ 10. The Progressive Church paid the full purchase price of \$59,750 from banking accounts it owned and controlled and authorized Bishop David S. Johnson, Sr. to execute the closing documents on behalf of the Progressive Church, titling the property in the Progressive Church's corporate name, Progressive Church of Our Lord Jesus Christ, Inc. D. Johnson Aff. ¶ 10.

After its purchase in 1998, this initial portion of the Sumter Property at 219 Crescent Avenue in Sumter, South Carolina has been continuously owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation to further the ministry of the Progressive Church. D. Johnson Aff. ¶ 11. No other entity or person has been authorized by the Progressive Church to use the Property at 219 Crescent Avenue in Sumter, South Carolina. D. Johnson Aff. ¶ 11.

In or about 2002, the Progressive Church assigned Finklea, a minister licensed by the Progressive Church, to provide subordinate ministerial support to Bishop David S. Johnson, Sr. within the Sumter Congregation. D. Johnson Aff. ¶ 14. In July 2003, the Progressive Church ordained Finklea an “elder,” during an ecclesiastical “laying on of hands” ordination ceremony conducted by Individual Defendants, Bishop Theodore Jenkins, Sr., Bishop David S. Johnson, Sr. and Bishop Lang Priester, and appointed Finklea to serve as pastor of the Sumter Congregation, remaining under the direct supervision of Bishop David S. Johnson, Sr. D. Johnson Aff. ¶ 15; Jenkins Aff. ¶ 7.

The Individual Defendants expressly instructed Finklea that, in the role of pastor of the Progressive Church’s Sumter Congregation, Finklea served under the authority of the Progressive Church. D. Johnson Aff. ¶ 15. On July 3, 2003, Finklea was required to sign, and did sign, a Ministerial Reaffirmation Statement confirming his responsibility to honor the leadership of the Progressive Church in “all things” and confirming Finklea’s responsibility to resign if he could not abide by the directives of the Progressive Church leadership. D. Johnson Aff. Ex. 3. By accepting the position of elder and pastor of a Progressive Church local congregation, Finklea undertook a confidential and fiduciary relationship with the Progressive Church to serve and promote its spiritual and secular mission and to conserve and safeguard its property, both real and personal. D. Johnson Aff. ¶ 15.

On May 6, 2005, the Progressive Church purchased the additional portion of the Sumter Property at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina for a purchase price of \$48,000. D. Johnson Aff. ¶ 17. The Progressive Church paid the full purchase price of \$48,000 from banking accounts it owned and controlled and authorized Bishop David S. Johnson, Sr. and the late Bishop Edward Smith to execute the closing

documents on behalf of the Progressive Church, titling the property in the corporation's name, Progressive Church of Our Lord Jesus Christ, Inc. D. Johnson Aff. ¶ 17.

After the purchase in 2005, the properties at 502 N. Main Street, 504 N. Main Street, and 508 N. Main Street in Sumter, South Carolina have been continuously owned by the Progressive Church, titled in its corporate name, and authorized for use by the Sumter Congregation to further the ministry of the Progressive Church. D. Johnson Aff. ¶ 18. No other entity or person has been authorized by the Progressive Church to use the Property. D. Johnson Aff. ¶ 18.

In 2007, the Progressive Church placed the Sumter Congregation in a district of the Progressive Church's local congregations directly overseen by Bishop David S. Johnson, Sr. and ultimately governed by the Board of Bishops. D. Johnson Aff. ¶ 19.

E. Plaintiffs Finklea and NLAC, who are not part of the Progressive Church, unlawfully commandeered the Progressive Church's Sumter Property and now seek to improperly interfere with the Progressive Church's ecclesiastical authority, administration, and religious laws.

By December 3, 2014, the Plaintiff Corporation, NLAC, was formed as a South Carolina Corporation, and Finklea filed articles of incorporation with the South Carolina Secretary of State, listing Finklea as the corporation's registered agent for service of process at his home address. Am. Compl. ¶ 1. Until at least 2019, Finklea concealed from the Progressive Church's Board of Bishops the formation and existence of NLAC, and his personal role within NLAC. P. Johnson Aff. ¶ 32. According to the Amended Complaint, "Finklea is the pastor of NLAC, a position he has held since NLAC was established in 2014." Am. Compl. ¶ 2. NLAC is not the successor in interest to the Sumter Congregation, nor is any other entity or person the successor in interest to the Sumter Congregation. D. Johnson Aff. ¶ 25. Finklea has used the Sumter Property, and other personal property of the Progressive Church, for his and the NLAC's benefit

since December 3, 2014 or before, all while actively and deliberately concealing this breach of trust from the Progressive Church's Board of Bishops and others within the Progressive Church. Pls.' Answer to Defs.' Countercl. ¶ 139; P. Johnson Aff. ¶ 32.

On numerous occasions between December 3, 2014 and late 2020, Finklea attended Progressive Church ecclesiastical meetings, worship services, and other events at various Progressive Church local congregations and elsewhere. P. Johnson Aff. ¶ 41. When preaching at Progressive Church events, Finklea has been introduced as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and has never publicly disagreed with, corrected, or restated the public introduction given to him as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and has essentially masqueraded as a pastor and elder within the Progressive Church. P. Johnson Aff. ¶ 41.

On numerous occasions between December 3, 2014 and late 2020, Finklea attended meetings of Progressive Church clergy, both in person and virtually. P. Johnson Aff. ¶ 41. Such meetings were planned and held exclusively for Progressive Church clergy to discuss matters pertaining to the ecclesiastical and secular governance of the Progressive Church. Finklea, essentially posing as a pastor and elder in the Progressive Church, actively participated in these clergy meetings and frequently attempted to involve himself with the ecclesiastical governance of the Progressive Church. D. Johnson Aff. ¶ 20; P. Johnson Aff. ¶¶ 25, 27, 40.

Since December 3, 2014, Finklea has frequently used the email address "pcsumter@yahoo.com," which was created as an abbreviation to identify the local congregation of the Progressive Church of Sumter, South Carolina, to conduct his ministerial duties associated with the Sumter Congregation of the Progressive Church and has, within such emails,

represented himself to be a pastor and elder within the Progressive Church. P. Johnson Aff. ¶¶ 23-24, 26, 28, 30-31.

In none of the aforementioned emails, events and meetings of Progressive Church clergy and saints did Finklea indicate that he was a part of NLAC and no longer a part of the Progressive Church, but rather actively held himself out as a pastor and elder within the Progressive Church. P. Johnson Aff. ¶ 41. For over five years, Finklea actively and deliberately concealed from the Progressive Church's Board of Bishops the existence of NLAC, his role within NLAC, and NLAC's use of the Sumter Property as a ministry separate and distinct from the Progressive Church. P. Johnson Aff. ¶ 32.

As just one particularly egregious example of Finklea's duplicity and breach of trust, on March 30, 2019, Finklea attended a meeting at the Progressive Church's Headquarters in Columbia, South Carolina exclusively intended for Progressive Church clergy and participated in an individual photo shoot for all clergy of the Progressive Church, which was necessary for issuing new Progressive Church Ministerial Credentials, according to Article VI, Section I of the Church Constitution.² P. Johnson Aff. ¶ 27. After the March 30, 2019 Progressive Church clergy meeting, Finklea received and accepted new Progressive Church Ministerial Credentials which displayed the picture of Finklea taken on March 30, 2019 at the Progressive Church's Headquarters and identified Finklea as "an ordained minister serving the Progressive Church of Our Lord Jesus Christ, Inc. Headquarters at 2222-24 Barhamville Road Columbia, SC 29204 Expiration Date: July 1, 2020." P. Johnson Aff. ¶ 27; P. Johnson Aff. Ex 4. Finklea also

² In fact, Finklea's son served as the photographer for the March 30, 2019 Progressive Church clergy photo shoot and took the individual photo of his father, Finklea, at the Progressive Church's Headquarters in Columbia, SC, which picture is displayed upon the new Progressive Church ministerial credentials issued to Finklea. P. Johnson Aff. ¶ 33; Jenkins Aff. ¶ 10.

discussed with Bishop Theodore Jenkins, Sr. the issuance of new Progressive Church ministerial credentials for two licensed ministers serving with Finklea in the Sumter Congregation. Jenkins Aff. ¶¶ 10-11.

By admission, in 2019, Finklea and NLAC defaced, with black paint or other dark material, a sign at the Sumter Property displaying the name “Progressive Church of Our Lord Jesus Christ, Inc.” (the “PC Sign”). P. Johnson Aff. ¶ 33; Pls.’ Answer to Defs.’ Countercl. ¶ 125. The PC Sign was originally purchased and erected at the Progressive Church’s Headquarters in Columbia, South Columbia, and later relocated to the Sumter Property, all at significant cost to the Progressive Church. P. Johnson Aff. ¶ 33.

By admission, on or about March 15, 2019, nearly five years after the formation of NLAC, officials of NLAC installed another sign displaying “New Life Apostolic Church” (the “NLAC Sign”) at the Sumter Property. Pls.’ Answer to Defs.’ Countercl. ¶ 126. Finklea and NLAC did not have permission or authorization from the Progressive Church to deface or damage the PC Sign or to replace it with the NLAC Sign. P. Johnson Aff. ¶¶ 33-34. The Progressive Church’s Board of Bishops did not know of the NLAC Sign when it was placed upon the Sumter Property and has never approved the NLAC Sign to be placed upon the Sumter Property. P. Johnson Aff. ¶ 34. The NLAC Sign expressly violates Article I, Section II, of the Church Constitution, which states that “[a]ll [c]hurches in this [o]rganization [s]hall [b]ear the [n]ame: Progressive Church of Our Lord Jesus Christ, Inc. beginning or ending with any other name as approved by the Board of Bishops.”

In or about November of 2019, the Progressive Church discovered the NLAC Sign placed at the Sumter Property and on November 8, 2019, issued to Finklea a written letter expressing concerns after learning of allegations that Finklea was using the Sumter Property to operate

NLAC without the permission of the Progressive Church. P. Johnson Aff. ¶¶ 34-35; P. Johnson Aff. Ex. 6. The November 8, 2019, letter from the Progressive Church expressly objected to the NLAC Sign, directed Finklea to remove the NLAC Sign by November 22, 2019, and also informed Finklea that failure to adhere to the ecclesiastical directives of the Board of Bishops would necessitate an Ecclesiastical Trial under the Church Constitution. P. Johnson Aff. ¶ 35. Further, the November 8, 2019 letter from the Progressive Church expressed concern that Finklea's actions suggested that Finklea had withdrawn from the Progressive Church and requested that Finklea immediately meet with the Board of Bishops to discuss and resolve Finklea's improper actions. Despite the Board of Bishops' request for an immediate meeting, and contrary to the Progressive Church's attempt to resolve the matter according to its belief in the biblical principles established in the Gospel of Matthew 18:15-20, Finklea refused to meet with the Board of Bishops. P. Johnson Aff. ¶ 35.

Finklea received the November 8, 2019, letter from the Progressive Church, but did not abide by the directives in the letter. P. Johnson Aff. ¶ 35; Pls.' Answer to Defs.' Countercl. ¶¶ 129-130. On November 22, 2019, the Progressive Church issued to Finklea a written Notice of Ecclesiastical Trial under Article VIII, Section I, of the Church Constitution and included several "Accusations and Charges of Improper Conduct Against Elder Ricky Finklea." P. Johnson Aff. ¶ 36. The November 22, 2019, letter notified Finklea that the Ecclesiastical Trial would take place on December 6, 2019, at the Progressive Church's Headquarters in Columbia, South Carolina and expressly stated that Finklea must attend. P. Johnson Aff. Ex. 7.

Finklea received the November 22, 2019, letter from the Progressive Church, but he chose not to attend the Ecclesiastical Trial on December 6, 2019, and did not provide advance notice he would not attend. P. Johnson Aff. ¶ 37; Pls.' Answer to Defs.' Countercl. ¶¶ 131-132.

At the Ecclesiastical Trial, the Progressive Church's Board of Bishops determined that Finklea was guilty of all ecclesiastical charges against him and affirmed that both Finklea and NLAC had no right to use, possess, or occupy the Progressive Church's Sumter Property. P. Johnson Aff. ¶ 38.

As recently as November 21, 2020, Finklea participated in the funeral service and rites for the late Bishop Edward Smith at the Progressive Church Headquarters in Columbia, South Carolina. P. Johnson Aff. ¶ 42. Finklea was identified in the written funeral program and in a public introduction during the funeral service as the pastor of the local congregation of the Progressive Church in Sumter, South Carolina and never publicly disagreed with, corrected, or restated the introduction as the pastor of the local congregation of the Progressive Church in Sumter. P. Johnson Aff. ¶ 42; Pls.' Answer to Defs.' Countercl. ¶ 136.³

On December 11, 2020, the Progressive Church issued a letter to Finklea informing him of a final directive and pending ecclesiastical disciplinary action and directing Finklea and NLAC to vacate the Sumter Property. P. Johnson Aff. ¶ 43. The Progressive Church's letter correctly stated that NLAC and Finklea had no permission or legal right to use, possess, or occupy the Sumter Property and that the Progressive Church would remove and replace the unauthorized NLAC Sign placed at the Sumter Property. P. Johnson Aff. Ex. 9. Finklea and NLAC failed to obey the directives of the Progressive Church's December 11, 2020 letter. P. Johnson Aff. ¶ 43.

³ Defendants note that Finklea has attended other Progressive Church public events between December 3, 2014 and 2020 and was likewise introduced to speak in the same manner as he was introduced at the funeral services for Bishop Edward Smith. Likewise, during all of those public events, Finklea never publicly disagreed with, corrected, or restated his introduction as pastor of the local congregation of the Progressive Church in Sumter, South Carolina. P. Johnson Aff. ¶ 41.

Never before filing the original Complaint, did Finklea or NLAC express to the Progressive Church any claim or allegation that NLAC had ownership rights to the Sumter Property. D. Johnson Aff. ¶ 23. Finklea and NLAC's alleged claims to property rights arise from disputes over ecclesiastical administration, ecclesiastical doctrine and standards, and the ecclesiastical governance authority of the Progressive Church as raised by Finklea and NLAC. Am. Compl. ¶¶ 37-39. Finklea has masqueraded as both pastor of the Progressive Church's Sumter Congregation and as pastor of NLAC for an undetermined time, but at least as far back as December 3, 2014. D. Johnson Aff. ¶ 23.

In January 2021, the Progressive Church's Board of Bishops acknowledged Finklea's previous declaration of personal disassociation from the Progressive Church and revoked all ministerial credentials and licenses issued to Finklea to function as a member of the Progressive Church clergy according to Article VI, Section II of the Church Constitution. P. Johnson Aff. ¶ 44. By Finklea's admission, and by confirmation of the Progressive Church's Board of Bishops, Finklea is no longer a parishioner or clergyman in the Progressive Church. P. Johnson Aff. ¶¶ 44-45; Pls.' Answer to Defs.' Countercl. ¶ 147.

It is the interpretation of the Progressive Church's Board of Bishops that, according to its Church Constitution and administrative practices, if clergy and/or saints of a local congregation of the Progressive Church withdraw from the Progressive Church, title to church property used and/or occupied by the local congregation remains in the Progressive Church and does not follow the congregation, unless otherwise expressly approved by the Board of Bishops. P. Johnson Aff. ¶ 15.

Despite the foregoing facts and Finklea's withdrawal from the Progressive Church, Finklea and his newly created church entity, NLAC, have remained upon the Sumter Property without permission from the Progressive Church. P. Johnson Aff. ¶ 48.

III. STANDARD FOR SUMMARY JUDGMENT

Summary judgment is appropriate when there is no genuine issue of material fact and the moving party must prevail as a matter of law. Rule 56(c), SCRCP. In determining whether any triable issues of fact exist, the court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party. *David v. McLeod Reg'l Med. Ctr.*, 367 S.C. 242, 247, 626 S.E.2d 1, 3 (2006). "[S]ummary judgment is completely appropriate when a properly supported motion sets forth facts that remain undisputed or are contested in a deficient manner," *Id.* at 250, 626 S.E.2d at 5, and "when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ." *Byerly v. Connor*, 307 S.C. 441, 445, 415 S.E.2d 796, 799 (1992).

IV. ARGUMENT

A. Plaintiffs were not associated with the Progressive Church when this suit was filed and thus lack standing to prosecute their Complaint.

In the Amended Complaint, Plaintiff Finklea has unequivocally stated that he disassociated from the Progressive Church on July 20, 2014, when he informed the members of the Progressive Church's Sumter Congregation that he was leaving the Progressive Church, after which over 90% of the members voted to leave with him. Am. Compl. ¶¶ 39-40. Finklea then formed a new church organization, New Life Apostolic Church, Inc., which since its inception as a "nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014," has operated "*as a separate and distinct church that is not associated with the Progressive*

Church.” Am. Compl. ¶ 43 (emphasis added). In Plaintiffs’ March 4, 2021 filing of their Answer to Defendants’ counterclaims, Plaintiffs unmistakably affirmed that Finklea “*is no longer a member, pastor, or elder in the Progressive Church.*” Pls.’ Answer to Defs.’ Countercl. ¶ 147 (emphasis added). It is thus clear that Finklea and all others who voted to leave the Sumter Congregation abandoned their status as saints in the Progressive Church by uniting with another church. Therefore, Plaintiffs and all individuals who left the Progressive Church also lost all rights as saints of the Progressive Church and lack standing to pursue the Amended Complaint. *Bouldin v. Alexander*, 82 U.S. 131, 139 (1872) (“[W]ithdrawal from a church and uniting with another church or denomination, is a relinquishment of all rights in the church abandoned.”); *Brock v. Bennett*, 313 S.C. 513, 517-18, 443 S.E.2d 409, 411-12 (Ct. App. 1994) (holding that former church members did not have standing to sue regarding the issue of church property because “the record did not reflect that any of them were members or officers of the church at the time of the commencement of [the] action; thus, they have no standing by reason of membership or office” in the church) (citing *Bramlett v. Young*, 229 S.C. 519, 541, 93 S.E.2d 873, 884 (1956) (quoting with approval the following proposition: “Withdrawal from a church and uniting with another church or denomination is a relinquishment of all rights in the church abandoned.” (citing *Bouldin, supra*))); *Adickes v. Adkins*, 264 S.C. 394, 215 S.E.2d 442 (1975) (affirming holding in *Bramlett, supra*); *Hardin v. Horger*, 252 S.C. 298, 304, 166 S.E.2d 215, 218 (1969) (“The appellants simply have no legal standing to complain. While some members of the seceding congregation are apparently heirs of one or more of the original grantors, they assert no right in such capacity. They appear here simply as the representatives of a seceding congregation which is no longer a part of The Methodist Church.”); *Tubiolo v. Abundant Life Church, Inc.*, 605 S.E.2d 161, 165 (N.C. Ct. App. 2004) (“As to the plaintiffs’ remaining claims

seeking an order allowing plaintiffs to inspect certain records of defendant [church], and seeking an order directing defendant to conduct an annual meeting, these claims are dependent upon plaintiffs being members of defendant at the time of the filing of this lawsuit.”); *Edgmond v. Brixey*, 450 S.W.2d 166, 167 (Mo. 1970) (“If plaintiffs are not members of the religious association involved which operates the church then they have no standing as plaintiffs to bring this action” to ascertain and determine title to land occupied by the church); see also *State v. Ancker*, 2 Rich. 245 (1846) (resignation from a church may be inferred from the acts of the parties).

Because Plaintiff New Life Apostolic Church, Inc. has never been associated with the Progressive Church, *a fortiori* it lacks standing to prosecute the Amended Complaint.

Brock v. Bennett, involved a disagreement over the physical and spiritual control of Emmanuel Baptist Church between John T. Brock, a former trustee and church member, and Mitchell Bennett, the pastor of the congregation at the time of suit. *Brock v. Bennett*, 313 S.C. 513, 515, 443 S.E.2d 409, 410 (Ct. App. 1994). Brock was a trustee named in the deed to the church property who helped organize the church and build the church building, but he left Emanuel Baptist and joined other churches in ensuing years. *Id.*

The South Carolina Court of Appeals reversed the trial court decision awarding control of the property to Brock and also found the trial court erred by not granting a directed verdict for Bennett. *Id.* at 516, 443 S.E.2d at 411. The Court of Appeals further held that only the members of a church have standing to sue regarding “the issue of church property and the conduct of its services.” *Id.* at 517, 443 S.E.2d at 411. “Standing is a fundamental requirement for instituting an action.” *Id.* at 519, 443 S.E.2d 412–13 (citing *Blandon v. Coleman*, 285 S.C. 472, 475, 330 S.E.2d 298, 299 (1985)). “[O]nce it is determined a plaintiff has no standing to prosecute, the

court must dismiss the action.” *Id.* *Brock* and the other authorities cited above control this case and mandate dismissal of the Plaintiffs’ First, Second, and Third Causes of Action.

B. This Court lacks subject matter jurisdiction over Plaintiffs’ claims for declaratory judgment regarding the past and present internal governance and administration of the Progressive Church.

The South Carolina Supreme Court has established the rule that civil courts must follow when adjudicating church disputes. This rule dictates that

(1) [c]ourts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration; (2) courts cannot avoid adjudicating rights growing out of civil law; (3) in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

Protestant Episcopal Church in the Diocese of S.C. v. Episcopal Church, 421 S.C. 211, 216, 806 S.E.2d 82, 84-85 (2017) (citing *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996)). The South Carolina Supreme Court has further held that, in terms of polity and structural governance, churches are generally divided into two groups: (1) congregational churches and (2) hierarchical churches.” *Seldon v. Singletary*, 284 S.C. 148, 149, 326 S.E.2d 147, 148 (1985). A hierarchical church is defined as:

one organized as a body with other churches having similar faith and doctrine with a common ruling convocation or ecclesiastical head. Under the [hierarchical church], a local church is but a member of a larger and more important religious organization and is under its government and control, and the voluntary act of joining the general denominational organization subjects the local church to its rules and regulations.”

Id.

American Jurisprudence, which the South Carolina Supreme Court cites in *Singletary*, also states that in the “hierarchical type of church polity, local churches are an organic part of the organization but are connected with and subordinate to the laws, procedures, and organs

established by the constitution and bylaws of the general church.” 66 Am. Jur. 2d Religious Societies § 3 (2020).

Since its beginning, the Progressive Church has operated under a system of hierarchical polity, has generally observed an annual ruling holy convocation since its founding, and has functioned as an organized body of churches that operate by the same faith, doctrine and administration. P. Johnson Aff. ¶ 10. The Progressive Church’s 1953 Articles of Incorporation and 1983 Church Constitution establish and confirm a stated corporate purpose to “own, establish and maintain churches.” P. Johnson Aff. Ex. 1. The Church Constitution clearly confirms that the ecclesiastical head of the Progressive Church is its Board of Bishops. P. Johnson Aff. ¶ 9, 10, 13; Am. Compl. ¶ 13. According to its hierarchical order, the Progressive Church’s Board of Bishops appoints and removes local pastors in each of its local congregations, establishes financial assessments for the local congregations, and establishes rules of order, faith, doctrine, administration and standards by which it requires each of its local congregations to operate.⁴ P. Johnson Aff. ¶ 18. This uncontroverted factual evidence clearly establishes that the Progressive Church is a church of hierarchical polity as described in *Singletary*.

The Sumter Congregation was established by the Progressive Church in 1991 as one of many local congregations governed under the authority of the Progressive Church, and there is no successor in interest to the Sumter Congregation. P. Johnson Aff. ¶ 10; D. Johnson Aff. ¶ 25; Pls.’ Answer to Defs.’ Countercl. ¶¶ 107-108. Finklea’s ordination and appointment to serve as pastor of the Sumter Congregation was likewise done by the Progressive Church, literally

⁴ Plaintiffs admit that Finklea was appointed pastor of the Sumter Congregation by the Progressive Church and admit that the Progressive Church has generally observed an annual ruling holy convocation and that local congregations of the Progressive Church operate by the same faith, doctrine, and administration. Pls.’ Answer to Defs.’ Countercl. ¶¶ 99, 113.

through an ecclesiastical “laying on of hands” ceremony conducted by three of the Individual Defendants whose governance authority Finklea now seeks to challenge. D. Johnson Aff. ¶15; Jenkins Aff. ¶ 7.

Moreover, Plaintiffs, who have clearly and unequivocally resigned from the Progressive Church, have no legal authority to thereafter take ownership of real property owned by the Progressive Church upon Plaintiffs’ ecclesiastical secession. *See Fire Baptized Holiness Church of God of Americas v. Greater Fuller Tabernacle Fire Baptized Holiness Church*, 323 S.C. 418, 420, 422, 475 S.E.2d 767, 778, 770 (Ct. App. 1996) (ordering “members of [a] local congregation who had resigned from a [hierarchical] National Church to vacate [church property]” owned by the National Church and holding that “[w]hen the entire congregation withdraws from [a] hierarchical church, the title to the church property remains in the church and does not follow the congregation”) (emphasis added). Likewise binding upon this Court is the interpretation of the Progressive Church’s Board of Bishops that, according to its Church Constitution and Church administrative practices, if clergy and/or saints of a local congregation of the Progressive Church withdraw from the Progressive Church, title to church property previously used and/or occupied by the local congregation remains in the Progressive Church and does not follow the congregation, unless otherwise expressly approved by the Board of Bishops. P. Johnson Aff. ¶ 15. Therefore, the Progressive Church’s Board of Bishops has rightly determined that Finklea and NLAC have no authority to remain upon the Sumter Property. P. Johnson Aff. ¶ 48.

Plaintiffs, who are not parishioners of the Progressive Church, essentially seek to hijack ecclesiastical and secular control of the Progressive Church by asking this Court to ignore decisions of the Progressive Church’s Board of Bishops and the Church Constitution and to

instead name Plaintiffs' preferred candidates as members of the Progressive Church's Board of Bishops or to convert the Progressive Church from a hierarchical church to a congregational church by reforming how the Progressive Church's governing board is selected. Am. Compl. ¶ 62. The U.S. Supreme Court has held that the First and Fourteenth Amendments to the United States Constitution "forbid" this Court from taking such action by substituting its interpretation of a church constitution for that of the highest ecclesiastical tribunal in a hierarchical church. *Serbian E. Orthodox Diocese for U. S. of Am. & Canada v. Milivojeovich*, 426 U.S. 696, 709, 721 (1976) (holding that a civil court is forbidden from substituting its interpretations of a church constitution "for that of the highest ecclesiastical tribunals in which church law vests authority to make that interpretation" and that "where resolution of the disputes cannot be made without extensive inquiry by civil courts into religious law and polity, the First and Fourteenth Amendments mandate that civil courts shall not disturb the decisions of the highest ecclesiastical tribunal within a church of hierarchical polity, but must accept such decisions as binding on them").

Milivojeovich likewise controls this case and mandates dismissal of the Plaintiffs' First, Second, and Third Causes of Action, or at a minimum, Plaintiff's First Cause of Action for declaratory judgment regarding the past and present internal governance and administration of the Progressive Church. According to this binding U.S. Supreme Court precedent, secular courts lacks subject matter jurisdiction over Plaintiffs' claims pertaining to ecclesiastical appointments and removals, ecclesiastical doctrine, standards, administration, custom, and operation. This lack of subject matter jurisdiction extends to the governance of the Sumter Congregation by Defendant Progressive Church and over ecclesiastical governance decisions and appointments made by and pertaining to Individual Defendants Bishop Theodore Jenkins, Sr., Bishop Lang

Priester, Bishop David S. Johnson, Sr. and Bishop Paul C. Johnson in their capacity as members of the Progressive Church's Board of Bishops.

C. The Plaintiffs fail to state a claim for reformation of the Deeds for the Sumter Property because they are not parties to the Deeds.

Reformation of a contract or deed is a remedy by which writings are rectified to conform to the actual agreement of the parties. *Crewe v. Blackmon*, 289 S.C. 229, 234, 345 S.E.2d 754, 757 (Ct. App. 1986). Reformation of a contract or deed is not a repudiation of the instrument; the court cannot create a new agreement for the parties or add terms to the parties' agreement. 76 C.J.S. Reformation of Instruments § 3. A court of equity may, however, conform the agreement to the actual intent of the parties. An action for reformation is similar to, but distinct from, an action for rescission of a contract. An action to reform an instrument sounds in equity. *Crewe v. Blackmon*, 289 S.C. at 233, 345 S.E.2d at 756. See also Randolph R. Lowell, *et al.*, South Carolina Equity: A Practitioner's Guide 122 (2010).

A claim for reformation is subject to proof of the essential elements by clear and convincing evidence. 66 Am. Jur. 2d Reformation of Instruments § 1. "The remedy of reformation is an extraordinary remedy that applies in limited circumstances, as the court must, in the exercise of its power to reform a contract, act with utmost or great caution, hesitating to do so and carefully considering the unique equities of each situation." *Id.*

A party seeking reformation must ordinarily have been a party to the instrument for which reformation is sought. *George v. Empire Fire; Marine Ins. Co.*, 336 S.C. 206, 212, 519 S.E.2d 107, 110 (Ct. App. 1999), *rev'd on other grounds*, 344 S.C. 582, 545 S.E.2d 500 (2001). Regarding a deed, only the grantor, grantee, or the mortgagee may ordinarily sue for reformation. Lowell, *et al.*, *supra*, p. 123.

The reformation of a written instrument to conform it to the parties' mutually intended antecedent agreement, correcting material variances attributable to the parties' mutual mistake of fact or law, or the fraudulent or inequitable conduct of one party, will be allowed as against the original parties and against those claiming under them in privity. *Otherwise, reformation will not lie against a nonparty.*

66 Am. Jur. 2d Reformation of Instruments § 58 (emphasis added).

The Plaintiffs here are not parties to any of the three deeds regarding the Sumter Property. There can be no dispute of fact that the Progressive Church purchased the Sumter Property with its own funds and took title to the Sumter Property in its corporate name. The sellers⁵ of the Sumter Property are not parties to this action. The Plaintiffs have no mortgage or other lien rights to the Sumter Property. Thus, the Plaintiffs are not parties to the deeds nor in privity with any of the parties to the deeds, and they may not reform the deeds.

Even though the Progressive Church holds record, legal title to the Sumter Property, Plaintiffs falsely claim that NLAC is the “successor in interest” of the Sumter congregation of the Progressive Church and thus has “rightful possession of the Property and cannot be evicted or otherwise removed from the Property.” Am. Compl. ¶ 62. Even if Plaintiffs were the “successor in interest” they claim to be, which Defendants expressly deny, that does not establish privity with the parties to the deeds to the Sumter Property. There is no ambiguity as to the grantees named in the deeds, and none of the deeds purports to establish any “trust” regarding the Property, except the “clarifying” deed filed in 2019 by the Progressive Church, long after the Plaintiffs had formally disassociated from the Church. And the 2019 deed unequivocally establishes a trust to benefit of the Progressive Church, *not the Plaintiffs*.

⁵ The Harrelson Land Company, is the grantor in the 1998 Deed, and Dorothy Z. Neal and Hettie M. McFadden, are the grantors in the 2005 Deed.

Plaintiffs have no basis whatsoever to claim “NLAC is now the owner of the Property” or that “[i]f a local congregation disassociates, the property used by the congregations goes with the congregation.” Such unfounded claims stand in stark contrast to well settled South Carolina law and the decision of the Progressive Church’s Board of Bishops. The Plaintiffs furthermore have no lease or other written agreement which gives them any rights to occupy the Sumter Property. Essentially, Plaintiffs have no basis to claim “rightful possession of the Property” or that “they cannot be evicted or otherwise removed from the Property.”

D. Defendants are entitled to declaratory relief confirming their rights to the Sumter Property.

The South Carolina Uniform Declaratory Judgments Act provides that

[a]ny person interested under a deed, will, written contract or other writings constituting a contract or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

S.C. Code Ann. § 15-53-30 (emphasis added).

Based on the admissions in the pleadings and the indisputable evidence in Defendants’ affidavits, there is no genuine issue of material fact as to the following:

(1) the Progressive Church is the exclusive and sole holder of legal title to the Sumter Property, and thus has the sole right to the exclusive, peaceable possession of that Property;

(2) the Church Constitution is the governing document for the Progressive Church and it vests ecclesiastical and secular governance authority for the Progressive Church solely in the Board of Bishops, as the highest ecclesiastical body in the Progressive Church; and

(3) New Life Apostolic Church, Inc. and Ricky Finklea are not a part of the Progressive Church and have no permission from the Progressive Church, contractual rights, or other legal rights to use, possess, or occupy the Progressive Church's Sumter Property.

Therefore, Defendants are entitled to an order of this Court declaring these legal rights and relations.

E. Plaintiffs are trespassers on the Progressive Church's Sumter Property.

"A trespass is any interference with 'one's right to the exclusive, peaceable possession of his property.'" *Babb v. Lee Cty. Landfill SC, LLC*, 405 S.C. 129, 139, 747 S.E.2d 468, 473 (2013); "[T]respass is any intentional invasion of the plaintiff's interest in the exclusive possession of his property." *Ravan v. Greenville Cty.*, 315 S.C. 447, 464, 434 S.E.2d 296, 306 (Ct. App. 1993).

In their pleadings, the Plaintiffs admit that they currently occupy the Sumter Property to the exclusion of the Progressive Church, and have sued to confirm their specious claims of ownership of the Sumter Property. The Plaintiffs have presented no evidence of title ownership, much less any legal right to use or occupy the property. The indisputable conclusion is that from December 2014 until approximately November 2019, when the Progressive Church discovered the existence of NLAC, Plaintiffs have been deceptive squatters on the Sumter Property. Plaintiffs did not create or allow any outward indication at the Sumter Property that they were not associated with the Progressive Church until March 2019 when Plaintiffs, by their own admission, installed a sign at the Sumter Property for NLAC. Pls.' Answer to Defs.' Countercl. ¶ 126. It was only in November 2019, that the Progressive Church discovered the sign for NLAC at the Sumter Property and promptly confronted Plaintiff Finklea regarding the unauthorized sign. And as late as November 2020, Plaintiff Finklea was still publicly and falsely

posing as an active member of the Progressive Church clergy before saints of the Progressive Church. The inescapable conclusion to be drawn from these indisputable facts, is that for over six (6) years, Plaintiffs have been actively deceiving the Progressive Church leadership and saints regarding their affiliation with and loyalty to the Progressive Church, while unlawfully occupying the Progressive Church's Sumter Property.

Plaintiffs' evidence supporting some right to the Property, whatever it may be, of private conversations with the now deceased and former Presiding Bishop, Edward Smith, and the now deceased Bishop Joseph D. Williams, Jr., is inadmissible, under South Carolina's Dead Man's statute. S.C. Code Ann. § 19-11-20. And if such conversations did take place with these now deceased bishops, which Defendants expressly deny, only the Progressive Church's Board of Bishops, acting collectively, has authority under Article III, Section II of the Church Constitution to grant rights to use or occupy the Sumter Property. The Plaintiffs furthermore have no lease or other written agreement which gives them any rights to occupy the Sumter Property, as is required by the South Carolina Statute of Frauds to establish any such rights. S.C. Code Ann. § 32-3-10(4). In short, Plaintiffs have no basis whatsoever to claim "rightful possession of the Property" or that "they cannot be evicted or otherwise removed from the Property."

There is no genuine issue of material fact that Plaintiffs have since 2014 and continuing to the present day, intentionally interfered with the Progressive Church's rights to the exclusive, peaceable possession of the Sumter Property, and have committed trespass. Defendants are thus entitled to an order of this Court requiring the Plaintiffs to immediately vacate the Sumter Property.

F. Plaintiffs fail to state a claim for quantum meruit because the Defendants owe them no duties of disclosure, or otherwise, and they state no other claim that will allow recovery for unjust enrichment.

In their Fourth and “alternative” cause of action, Plaintiffs claim that “if the Progressive Church is deemed to be the owner of the Property,” then “the Progressive Church would receive a significant financial and operational benefit as a result of the Property maintenance and improvements made by Plaintiffs since July of 2014,” the retention of which would be unjust. Am. Compl. ¶¶ 83-84. Assuming, but without conceding, that Plaintiffs improved the Property since July of 2014, Plaintiff’s fail to state a claim because quantum meruit is only a measure of recovery, not a separate basis for a recovery, and Defendants owe the Plaintiffs no duties, the breach of which would support any recovery based on equitable principles.

“[O]ur Supreme Court ‘has recognized quantum meruit as an equitable doctrine to allow recovery for unjust enrichment.’” *Pitts v. Jackson Nat. Life Ins. Co.*, 352 S.C. 319, 339, 574 S.E.2d 502, 512 (Ct. App. 2002) quoting *Columbia Wholesale Co. v. Scudder May N.V.*, 312 S.C. 259, 261, 440 S.E.2d 129, 130 (1994). “‘Absent an express contract, recovery under quantum meruit is based on quasi-contract, the elements of which are: (1) a benefit conferred upon the defendant by the plaintiff; (2) realization of that benefit by the defendant; and (3) retention by the defendant of the benefit under conditions that make it unjust for him to retain it without paying its value.’” *Pitts*, 352 S.C. at 339, 574 S.E.2d at 512. Our Supreme Court recently emphasized and adopted this Scudder May test as the “sole test for a quantum meruit/quasi-contract/implied by law claim.” *Id.* (quoting *Myrtle Beach Hosp., Inc. v. City of Myrtle Beach*, 341 S.C. 1, 9, 532 S.E.2d 868, 872 (2000)).

“‘In a law action, the measure of damages is determined by the parties’ agreement, while in equity, ‘the measure of the recovery is the extent of the duty or obligation imposed by law,

and is expressed by the amount which the court considers the defendant has been unjustly enriched at the expense of the plaintiff.’’” *Id.* (quoting *Myrtle Beach Hosp., Inc.*, 341 S.C. at 8, 532 S.E.2d at 872 (quoting *United States Rubber Prods., Inc. v. Town of Batesburg*, 183 S.C. 49, 55, 190 S.E. 120, 126 (1937))). “[Q]uantum meruit, quasi-contract, and implied by law contract are equivalent terms for an equitable remedy.” *Id.*

In *Pitts, supra*, the Court of Appeals reviewed a plaintiff’s tort and other claims, along with a claim for unjust enrichment, alleging that an insurer and its agent had a duty “to inform an applicant of the availability of an allegedly superior product, or to evaluate the applicant’s eligibility for that product, regardless of what product the applicant asked for.” *Pitts v. Jackson Nat. Life Ins. Co.*, 352 S.C. 319, 338, 574 S.E.2d 502, 511–12 (Ct. App. 2002). The Court of Appeals held that such a duty does not exist and upheld the trial court’s order holding “the absence of [a] legal duty would be equally fatal to Plaintiffs’ fraudulent concealment claim and to the unjust enrichment claim . . . which was also premised on the existence of such a duty.” The *Pitts* court further found that the plaintiff “*failed to establish any duty to disclose or other cause of action that would allow recovery for unjust enrichment.*” There was no benefit conferred upon [the insurer] that would be unjust for [the insurer] to retain. There was no breach of fiduciary duty or fraud involved.” *Pitts v. Jackson Nat. Life Ins. Co.*, 352 S.C. 319, 339–40, 574 S.E.2d 502, 512 (Ct. App. 2002) (emphasis added).

As pastor of the Progressive Church’s Sumter Congregation, Plaintiff Finklea unquestionably owed fiduciary duties to the Progressive Church, but the Defendants owed no such duties to Finklea, and he does not and cannot allege the breach of any fiduciary duties owed by the Defendants *to him*. Finklea is now disassociated from the Progressive Church, and has no contractual or other relationship with any Defendants. Plaintiff NLAC has had no relationship

whatsoever with the Progressive Church. Neither Plaintiff has a lease or rental agreement for the Property, or any other contractual relationship with the Defendants. For this reason, Plaintiffs cannot allege the breach of any duties arising out of contract, or otherwise, owed to them by the Defendants.

It cannot be disputed that Plaintiff Finklea knows or should know that neither he nor NLAC were parties to the original purchase transactions for the Property, and that neither Plaintiff is named on the deeds to the Property. It cannot be disputed that Plaintiff Finklea knew in 2014, when he led a meeting in which 90% of the congregants of the Sumter Congregation followed him in disassociating from the Progressive Church, that he was ending his relationship with the Progressive Church. As the organizing officer of Plaintiff NLAC, Finklea's knowledge is imputed to NLAC. Plaintiffs cannot reasonably dispute they have been willing trespassers on the Defendant's property since July of 2014, and they thus cannot allege or establish any breach of any contractual relationship or duties of disclosure regarding the status or the particulars of the Property ownership owed to them by the Defendants.

Therefore, Plaintiffs cannot show circumstances that would make it inequitable for the Progressive Church to retain benefits, if any, arising from "Property maintenance and improvements made by Plaintiffs since July of 2014."

Chase Home Fin., LLC v. Risher, 405 S.C. 202, 212, 746 S.E.2d 471, 477 (Ct. App. 2013), involved a mortgagee's attempt to foreclose a delinquent mortgage on property owned by a deceased mortgagor and his widow as tenants in common. The deceased husband signed the note and mortgage, but the widow did not, and thus the mortgagee's lien attached only to the deceased husband's undivided half interest in the property, even though the mortgage "amount greatly exceed[ed] the value of that interest." *Chase Home Fin., LLC v. Risher*, 405 S.C. 202,

212, 746 S.E.2d 471, 477 (Ct. App. 2013). The evidence also showed that “[mortgagee] was or should have been aware that [widow] was named on the contract with husband as a purchaser and did not sign either the note or the mortgage.” *Id.* The mortgagee claimed the widow would be unjustly enriched if it could not assert an equitable lien on the widow’s undivided one-half interest in the property.

In upholding the master’s dismissal of the mortgagee’s claims for equitable lien and unjust enrichment, the Court of Appeals stated:

We hold [mortgagee] has not shown circumstances that would make it inequitable for [widow] to retain any benefits that she received from [mortgagee]. There was no evidence that [widow] failed to disclose any information or discharge any legal obligation that would have prevented [mortgagee] from authorizing a loan to [husband] that was secured only by his undivided one-half interest but was in an amount greatly exceeding the value of that interest. To the contrary, the evidence shows [mortgagee] was or should have been aware that [widow] was named on the contract with [husband] as a purchaser and did not sign either the note or the mortgage. See *Pitts v. Jackson Nat’l Life Ins. Co.*, 352 S.C. 319, 339, 574 S.E.2d 502, 512 (Ct.App.2002) (stating the plaintiff “failed to establish any duty to disclose or other cause of action that would allow recovery for unjust enrichment”).

Chase Home Fin., LLC v. Risher, 405 S.C. 202, 212, 746 S.E.2d 471, 477 (Ct. App. 2013)

Like the plaintiff mortgagee in *Risher*, Plaintiffs here have failed to demonstrate circumstances that would make it inequitable for the Progressive Church to retain any alleged benefits due to Plaintiffs’ alleged improvements and maintenance on the Property since July 2014. Plaintiffs knew or should have known they did not in 2014 and never have had any claim to title ownership of the Property. Plaintiffs knew then and now that they have no lease or other legal right to possess or improve the Property. If Plaintiffs did improve and maintain the property, they did so knowingly and at their own risk, but also while actively concealing their disassociation from the Progressive Church and while continuing to enjoy the possession and use

of the Church's Property during the period of their fraudulent concealment, and paying nothing for the privilege.

It is a cardinal maxim of equity jurisprudence that "Plaintiffs who come into Court invoking the aid of equity should be required to do equity in order that justice might be done between the parties." *Shumaker v. Shumaker*, 234 S.C. 421, 427, 108 S.E.2d 682, 686 (1959) (denying claim for contribution from co-tenants for property improvements); *Archambault v. Sprouse*, 218 S.C. 500, 509, 63 S.E.2d 459, 463 (1951) ("[O]ne who openly defies known rights, in the absence of anything to mislead him or to indicate assent or abandonment of intent to oppose on the part of others" is not entitled to equitable defense of laches.). The allegation that knowing and willful trespassers are entitled to payment from the owner for allegedly repairing and maintaining the owner's property is an affront to equity and the law. Plaintiffs here are not entitled to equitable relief of quantum meruit.

G. Plaintiffs' claims for preliminary injunctive relief must be denied.

Plaintiffs are not entitled to a preliminary injunction because, as demonstrated above, they cannot demonstrate "a[ny] likelihood of success on the merits" of their other claims. *Poynter Invs., Inc. v. Century Builders of Piedmont, Inc.*, 387 S.C. 583, 586, 694 S.E.2d 15, 17 (2010).

V. CONCLUSION

For all of the foregoing reasons, Defendants should be granted summary judgment as requested herein and Plaintiffs' Motion for Preliminary Injunction should be denied.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

By: s/James Y. Becker

James Y. Becker, Esq., (SC Bar No. 64991)

Costa M. Pleicones, Esq., (SC Bar No. 4479)

Ronald T. Scott, Esq., (SC Bar No. 103751)

Post Office Drawer 11889

Columbia, South Carolina 29211

(803) 779.3080 Tel

(803) 765.1243 Fax

jbecker@hsblawfirm.com

cpleicones@hsblawfirm.com

rscott@hsblawfirm.com

SMITH ROBINSON HOLLER

DUBOSE MORGAN, LLC

By: s/G. Murrell Smith, Jr. G. Murrell

Smith, Jr., Esq., (SC Bar No. 66263)

Post Office Box 580

Sumter, South Carolina 29151

murrell@smithrobinsonlaw.com

(803) 778-2471 Tel

(803) 778-1643 Fax

murrell@smithrobinsonlaw.com

Attorneys for Defendants/Counterclaim Plaintiffs

March 31, 2021

HSB 6690394 v.5

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky
Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ,
Inc., Theodore Jenkins, Sr., Lang Priester,
David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS

THIRD JUDICIAL CIRCUIT

Case No. 2020-CP-43-01863

**DEFENDANTS’
SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT¹**

In support of their motion for partial summary judgment filed March 31, 2021, Defendants herewith submit the attached April 1, 2021 order of the Honorable Joseph F. Anderson, Jr., which grants judgment in favor of Defendant Progressive Church of Our Lord Jesus Christ, Inc. in a similar case formerly pending in the United States District Court, District of South Carolina, Columbia Division, C/A No. 3:19-cv-03541-JFA.

The federal court case involved clergymen in the local congregation of the Progressive Church in Tallahassee, Florida, who, like the Plaintiffs here, attempted to usurp complete control and ownership of the Progressive Church’s real property (the “Tallahassee Property”), through the filing of a May 19, 2019 deed purporting to convey title to a separate corporate entity surreptitiously formed by these clergymen. The May 19, 2019 deed was signed by the 86-year-old Presiding Bishop of the Progressive Church, Edward Smith, under suspicious circumstances indicating fraud and duress. The deed and purported transfer were never authorized by the

¹ Defendants initial Memorandum in Support of Motion for Partial Summary Judgment and this supplemental memorandum are also both submitted in opposition to the Plaintiffs’ Motion for Preliminary Injunction.

Progressive Church's Board of Bishops and were likely orchestrated in an effort to take advantage of the Presiding Bishop's failing health.

In the federal case, the Progressive Church sought a judgment voiding the May 19, 2019 deed, and also sought declaratory relief regarding many of the same corporate authority issues about which the Plaintiffs seek relief in this case. In their First Cause of Action for Declaratory Judgment, Plaintiffs allege that, based on the 2010 State Court Order of Judge Bryan S. Doby, "[t]he appointments of the Individual Defendants to the Board of Bishops in February of 2019 were [] ineffective because the appointments were not made in accordance with the Church Constitution," Am. Compl. ¶¶ 53, 55, and "the Individual Defendants do not represent the governing body of the Progressive Church and cannot take actions on behalf of the Progressive Church." *Id.* at ¶ 57.²

Judge Anderson has conclusively decided otherwise in the federal court case:

The facts . . . demonstrate that in February 2019 the Progressive Church, in compliance with relevant statutory provisions and applicable bylaws, conducted legal and proper meetings . . . to fill vacancies on the Board of Bishops, which then appointed additional Bishops, thereby eliminating any doubts caused by the aforementioned 2010 State Court Order. Therefore, through the application of neutral principles of law, it is clear the Progressive Church is governed in all spiritual and secular matters by the collective governance authority of the Board of Bishops.

Attached Order at 11.

And with regard to the attempted conveyance of the Tallahassee Property, Judge Anderson ruled as follows:

² Of course, as is argued in Defendants' Memorandum, the Plaintiffs here lack standing to seek any relief regarding the spiritual and secular governance affairs of the Progressive Church because they disassociated from the Progressive Church in 2014. In the federal case, the members of the Tallahassee congregation have not disassociated from the Progressive Church.

[T]he transfer is invalid under both South Carolina and Florida law. Accordingly, the Court finds no legal basis under the Church Constitution or state law for such a unilateral corporate action without approval of the Board of Bishops and the May 19, 2019 deed regarding the Tallahassee Property is, therefore, void *ab initio*.

Id. at 16.

For all of the foregoing reasons, Defendants should be granted judgment as requested in their Motion for Partial Summary Judgment and supporting memorandum, and Plaintiffs' Motion for Preliminary Injunction should be denied.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

By: s/James Y. Becker

James Y. Becker, Esq., (SC Bar No. 64991)
Costa M. Pleicones, Esq., (SC Bar No. 4479)
Ronald T. Scott, Esq., (SC Bar No. 103751)
Post Office Drawer 11889
Columbia, South Carolina 29211
(803) 779.3080 Tel
jbecker@hsblawfirm.com
cpleicones@hsblawfirm.com
rscott@hsblawfirm.com

**SMITH ROBINSON HOLLER
DUBOSE MORGAN, LLC**

By: s/G. Murrell Smith, Jr.

G. Murrell Smith, Jr., Esq., (SC Bar No. 66263)
Post Office Box 580
Sumter, South Carolina 29151
(803) 778-2471 Tel
murrell@smithrobinsonlaw.com

April 6, 2021

Attorneys for Defendants/Counterclaim Plaintiffs

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc., and Ricky Finklea,

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson,

Defendants.

IN THE COURT OF COMMON PLEAS FOR THE
THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-43-01863

**PLAINTIFFS' MEMORANDUM IN
OPPOSITION TO DEFENDANTS' MOTION
FOR PARTIAL SUMMARY JUDGMENT**

INTRODUCTION

This case arises from Defendants' efforts to expel the Plaintiffs, New Life Apostolic Church ("NLAC"), and their pastor, Ricky Finklea, from the church property in Sumter ("Property") where Plaintiffs have operated since NLAC's formation in 2014. Defendants have moved for the Court to cut the case short with a partial summary judgment, before any discovery is taken, relying on self-serving affidavits and misguided jurisdictional arguments. As set forth in greater detail below, each of the arguments asserted by Defendants in their motion for partial summary judgment are without merit. Contrary to Defendant's arguments, Plaintiffs have asserted valid claims, which are well supported in law and fact, in a court of competent jurisdiction to hear such claims. As such, the case should proceed to discovery so that a record can be developed with respect to the genuine issues of material fact that are in dispute in this case.

To support their motion for partial summary judgment, Defendants assert that Plaintiffs "lack standing" to maintain any of their claims because Plaintiffs are not members of the Progressive Church. Defendants Memorandum in Support of Motion for Partial Summary Judgment ("Defendants Memo"), pp. 18-19. This assertion is contradicted by Plaintiffs clear and undeniable personal stake in contesting

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their expulsion from the Property which was purchased for their benefit and they have used, maintained, and improved for over six (6) years. This substantial interest in a live controversy gives Plaintiffs standing to challenge Defendants' improper actions.

Defendants also assert that the Court lacks subject matter jurisdiction with respect to Plaintiffs' claim for declaratory relief (First Cause of Action) because of religious protections afforded by the First and Fourteenth Amendment to the United States Constitution. However, Plaintiffs are not seeking adjudication of ecclesiastical matters in their claim for declaratory relief. Rather, Plaintiffs are requesting that the Court apply neutral principles of law to determine the legal status of real property and to determine whether Defendants complied with a governance document filed with the South Carolina Secretary of State. Under the applicable case law, Defendants cannot shield their improper and unauthorized actions, and avoid judicial determination of legal matters, by mischaracterizing the issues as ecclesiastical in nature.

Defendants further assert that Plaintiffs have failed to state a claim for reformation (Third Cause of Action) because there is no genuine issue of material fact as to ownership of the Property. This assertion is inaccurate. The Property was purchased on behalf of the Sumter Congregation and for the use of the Sumter Congregation. This was the clear intent of the parties which Plaintiffs can and will prove by clear and convincing evidence. NLAC is the successor in interest of the Sumter Congregation. As such, the deeds, which were inappropriately and secretly modified by Defendants in 2019, should be reformed to carry out the actual intent of the parties.

Defendants also assert that Plaintiffs' Fourth Cause of Action for quantum meruit/unjust enrichment fails to state a claim because "Defendants owe no legal duties of disclosure, or otherwise, to Plaintiffs." Defendants' assertion is premised on a misunderstanding of the quantum meruit/unjust enrichment claim and applicable law. The elements for quantum meruit/unjust enrichment are: (1) a benefit conferred by a plaintiff to a defendant; (2) realization of the benefit by the defendant; (3) retention

by the defendant of the benefit under conditions that make it unjust for him to retain it without paying its value. Sauner v. Public Service Authority, 354 S.C. 397, 409 (2003). In this case, it is undisputed that Plaintiffs maintained, and made significant improvements to, the Property following their disassociation from the Progressive Church. If the Progressive Church is given exclusive possession of the Property, the Progressive Church would realize a significant benefit from the time, money, and other resources that Plaintiffs invested in the Property. In such circumstances it would be unjust for the Progressive Church to retain such a benefit without payment to Plaintiffs. Duty is not a required element for a claim of quantum meruit/unjust enrichment. As such, Plaintiffs have stated a claim upon which relief can be granted.

Lastly, Defendants seek summary judgment on their First and Second Counterclaims (declaratory relief and trespass) claiming that there are no disputes relating to the facts they allege in their counterclaims. This is not accurate. Each of Defendants alleged “material facts” offered in support of their counterclaims are genuinely at issue in this case. Specifically, Plaintiffs have alleged, and have supporting facts to show, that NLAC, and not the Progressive Church, is the successor church for the Sumter Congregation and has appropriately maintained exclusive possession of the Property for over six (6) years. In addition, Plaintiffs have alleged, and have supporting facts to show, that the Individual Defendants are not the governing board of the Progressive Church because they were not appointed to the Board of Bishops in accordance with the Church Constitution. As such, Plaintiffs have not interfered with anyone else’s right to possession of the Property and Defendants’ counterclaims are not appropriate for summary adjudication.

In sum, Defendants’ motion for partial summary judgment on their counterclaims is premature and without merit. Defendants have not, and cannot, demonstrate that there is no genuine issue as to any material fact. A fair reading of the pleadings, motion papers, and affidavits submitted to the Court shows that Plaintiffs’ claims are well supported by law and fact and should not be summarily dismissed without

any opportunity for discovery. As this case proceeds, Plaintiffs will prove that the Individual Defendants were not duly appointed to the governing board of the Progressive Church under the Church Constitution and therefore, they do not have the authority to expel Plaintiffs from the Property. Plaintiffs will also prove that NLAC is the successor church to the Sumter Congregation of the Progressive Church and this fact was acknowledged by the leadership of the Progressive Church when NLAC was founded in 2014. As such, NLAC has rightful ownership and possession of the Property and Defendants cannot lawfully expel Plaintiffs from their church.

FACTUAL BACKGROUND

On August 18, 1983, the Progressive Church adopted its Church Constitution and filed it with the South Carolina Secretary of State's Office. Affidavit of Ricky Finklea Submitted in Response to Defendants' Motion for Partial Summary Judgment ("Finklea SJ Affidavit"), Exhibit 1. The Church Constitution filed in 1983 remains the authoritative legal document relating to the governance of the Progressive Church. The national headquarters for the Progressive Church is in Columbia, South Carolina.

The Church Constitution is silent with respect to ownership of property used by local congregations. Further, the Church Constitution does not impose any trust for the benefit of the national church on local congregation property. The Church Constitution provides that all local congregations would bear the name: "Progressive Church of Our Lord Jesus Christ, Inc." Church Constitution, Article I, Section II.

With respect to leadership, the Church Constitution provides for a Board of Bishops that is to consist of no less than three (3) Bishops. Church Constitution, Article III, Section I. The Presiding Bishop is the chairman of the Board of Bishops. Church Constitution, Article IV, Section I. When there is a vacancy on the Board of Bishops, the vacancy must be filled by a member of the Progressive Church's Board of Presbytery. Church Constitution, Article V, Section I. Further, the only means for filling a

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vacancy identified in the Church Constitution is an election conducted by the Board of Presbytery. Id.

At the time of the adoption of the Church Constitution there were three Bishops, Joel G. Washington, who was the Presiding Bishop, Edward Smith, and Henry J. Breakfield. Finklea SJ Affidavit, ¶ 9. In April of 1987, Bishop Washington died, and Bishop Smith became the Presiding Bishop of the Progressive Church. Id. at ¶ 10. In 1988, Bishop Breakfield died leaving Bishop Smith as the only living Bishop in the Progressive Church. Id.

Rather than electing new Bishops to fill the vacancies as required by the Church Constitution, the Progressive Church's Board of Presbytery adopted a resolution confirming Bishop Smith as the sole Bishop with executive authority to operate the day-to-day operations of the Progressive Church. Id. at ¶¶ 10-11. It is undisputed that Bishop Smith was the only Bishop on the Board of Bishops and made decisions on behalf of the Progressive Church from February 1988 until at least June of 2007. Affidavit of Timothy L. Beard ("Beard Affidavit"), ¶¶ 12-13; Finklea SJ Affidavit, ¶ 12.

By 1998, the Progressive Church had established a congregation in Sumter ("Sumter Congregation"). The Sumter Congregation operated on a property at the corner of Crescent Avenue and North Main Street in Sumter that included a twenty-five by fifty foot building (with a post office address of 219 Crescent Avenue) which the Sumter Congregation used as a church. Affidavit of Ricky Finklea submitted with Plaintiffs' Motion for a Preliminary Injunction ("Finklea Injunction Affidavit"), ¶ 7. In the early part of 2000, Bishop Smith sent Plaintiff Ricky Finklea ("Finklea") to the Sumter Congregation and three years later (2003), Bishop Smith appointed Finklea as the Pastor of the Sumter Congregation. Finklea SJ Affidavit, ¶¶ 14-15.

In 2004, Dorothy Neal and Hettie McFadden, granted property (502, 504 and 508 North Main Street) to "Progressive Church of Our Lord Jesus Christ, Inc., whose address is: 219 Crescent Avenue, Sumter, SC 29150." Finklea Injunction Affidavit, ¶ 9. In putting the address of the Sumter Congregation on the deed, the clear intent of the parties was to convey the property to the Sumter Congregation and its

membership as all local congregations used the name “Progressive Church of Our Lord Jesus Christ, Inc.” pursuant to the Church Constitution. The property was not deeded to the national Progressive Church headquartered in Columbia or placed in trust for the national church.

On May 26, 2007, Bishop Smith issued an executive resolution appointing the Individual Defendants, Theodore Jenkins, Lang Priester, David S. Johnson, and Paul C. Johnson, as Bishops. Finklea SJ Affidavit, ¶ 17. However, on June 16, 2010, in the South Carolina Court of Common Pleas, Third Judicial District, Judge S. Bryan Doby issued an Order for Judgment and determined that Bishop Smith’s appointment of the additional bishops did not constitute appointments to the governing board because the appointments were not made in accordance with the Church Constitution (*i.e.*, the appointed bishops were not selected by or from the Board of Presbytery). Finklea Injunction Affidavit, Exhibit 3; Finklea SJ Affidavit, Exhibit 10. The Order of Judgment also held that a local congregation of Progressive Church in Bishopville, and not the national Progressive Church, owned its local church property. *Id.* The Progressive Church appealed the Order of Judgment and the Court of Appeals affirmed Judge Doby’s decision. Finklea Injunction Affidavit, Exhibit 4.

Following the issuance of the Order of Judgment and the Decision of the Court of Appeals, and consistent with his actions in the prior two decades, Bishop Smith continued to serve in a chief executive role for the organization in all business and transactional matters. Beard Affidavit, ¶ 17. During this time period (2010-2019) the Progressive Church did not assert ownership or control over local congregation church property. Local congregations in Atlanta, Georgia, and in Florence, South Carolina, disassociated from the Progressive Church and formed successor churches that maintained the use and control of local church property. Beard Affidavit, ¶ 24.

By 2014, Finklea and the Sumter Congregation believed that the Individual Defendants, and other Church members, were not living by the standards professed by the Progressive Church. Finklea Injunction Affidavit, ¶ 15. Among other things, there were several accusations made regarding

improprieties involving church funds and improper relationships between Progressive Church leaders and female Progressive Church members. Id. at ¶ 14. As a result, on July 20, 2014, the Sumter Congregation met and decided to dissociate from the Progressive Church. Id. at ¶15. Immediately following the disassociation, Finklea notified Joseph D. Williams, who was in charge of the Progressive Church District that included Sumter. Id. at 16. Williams then notified Bishop Smith. Id. at ¶ 17.

Thereafter, the members of the Sumter congregation formed a successor church, New Life Apostolic Church (“NLAC”), which was incorporated as a nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014. Id. at ¶ 18. From its inception, NLAC operated openly as a separate and distinct church that was not associated with the Progressive Church. Id. at ¶ 19; Affidavit of James Robins (“Robins Affidavit”), ¶¶ 10-14; Affidavit of Andrew Little (“Little Affidavit”), ¶¶ 10-12.

Finklea provided written notice of the disassociation to Bishop Smith and discussed the disassociation with Bishop Smith on several occasions. Finklea SJ Affidavit, ¶¶ 26, 36-37. Bishop Smith, as the leader and only duly appointed Bishop on the Board of Bishops of the Progressive Church, acknowledged NLAC’s status as a separate church. Finklea Injunction Affidavit, ¶ 21. He even made attempts to convince Finklea and the members of NLAC to return to the Progressive Church. Id. at ¶ 20. However, these attempts were unsuccessful and NLAC continued to operate independently of the Progressive Church. Id. at ¶ 21.

NLAC’s separation from the Progressive Church was common knowledge among the members of the Progressive Church. Robins Affidavit, ¶ 11-14; Beard Affidavit, ¶ 8; Finklea SJ Affidavit, ¶ 28; and Little Affidavit, ¶ 13. Church leaders within the Progressive Church have been aware of, and have discussed, the dissociation since it occurred in 2014. In fact, on June 28, 2015, one of the Individual Defendants, Theodore Jenkins, preached at NLAC and made a charitable donation to NLAC. Finklea SJ Affidavit, ¶¶ 29-30; and Little Affidavit, ¶¶ 14-15. Jenkins also received a tax document from the NLAC

that verifies his contribution. Finklea SJ Affidavit, ¶ 31. In addition, Finklea met again with Jenkins in September of 2015 and discussed the disassociation. Id. at ¶ 32.

From 2014 to late 2019, NLAC occupied, maintained, and enhanced the Property without any interference or objection from the Progressive Church. Id. at ¶ 38. NLAC did not pay any dues or assessments to the Progressive Church and did not file any quarterly or annual reports, all of which are requirements for local congregations of the Progressive Church. Id. at ¶¶ 34-35.

In February of 2019, when Bishop Smith's health began to fail, a power struggle inside the Progressive Church ensued. Four members of the Progressive Church met without informing the collective membership or the pastors and claimed to hold a meeting of the "original" Board of Presbytery. Robins Affidavit, ¶ 22-23; Beard Affidavit, ¶ 18. The four members were Theodore Jenkins, Lang Priester, David S. Johnson, Sr., and Robert Mingo. Id. Only one of them, Robert Mingo, was actually a member of the Board of Presbytery at the time of the meeting. Id. Nevertheless, during the secret meeting the four purported members of the "original" Board of Presbytery "elected" two of them, Theodore Jenkins and Lang Priester, to the Board of Bishops. Id. That same day, the "newly elected" Board of Bishops adopted a resolution appointing an additional two Bishops (David S. Johnson, Sr., and Paul C. Johnson) to serve on the Board of Bishops. Id. Neither of these men were members of the Board of Presbytery at that time. None of the appointments were valid because the appointments were not made from, or by an election of, members of the Board of Presbytery that was in place in 2019. Robins Affidavit, ¶¶ 25-27; Beard Affidavit, ¶ 20.

After the invalid appointments, the Individual Defendants began to assert their self-ordained power and assert dominion over local congregation property. One instance of this occurred on September 20, 2019, when the Individual Defendants filed a deed on the Property that purports to convey the Property to the Progressive Church, in trust, for the sum of ten dollars. Finklea SJ Affidavit, ¶ 50 and Exhibit 11. The Individual Defendants then held an "Ecclesiastical Trial" on December 6, 2019, to

consider “allegations” against Finklea even though Finklea was no longer a member of the Progressive Church. During this trial, which Finklea did not attend, the Individual Defendants charged Finklea with committing “improper conduct” by disassociating from the Progressive Church, conducting services separate and distinct from the Progressive church, setting up a NLAC sign on the Property, and failing to submit financial assessments and annual reports to the Progressive Church. Affidavit of Paul C. Johnson (submitted by Defendants with Defendants Memo, Exhibit 7).

After the death of Bishop Smith on November 10, 2020, the Individual Defendants decided to take further action against the Plaintiffs. In a letter dated December 11, 2020, the Individual Defendants claimed ownership of the Property, objected to a sign on the Property that displayed, “New Life Apostolic Church” and directed Finklea to “vacate the Progressive Church’s property in Sumter, South Carolina and remove all of [his] belongings.” Finklea SJ Affidavit, ¶ 51 and Exhibit 12. The letter stated that the “Progressive Church will also take action to remove and replace the [NLAC] signage” and concluded with the following threat: “Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board’s decision that you vacate the Progressive Church’s property in Sumter, South Carolina by December 31, 2020.” *Id.*

Because of this threat Plaintiffs filed the Complaint in this case seeking adjudication of ownership of the Property and relief from the Individual Defendants’ improper actions.

STANDARD FOR SUMMARY JUDGMENT

Under Rule 56(c), summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Laurens Emergency Med. Specialists v. M.S. Bailey & Sons Bankers, 355 S.C. 104, 584 S.E.2d 375 (2003); Fleming v. Rose, 350 S.C. 488, 567 S.E.2d 857 (2002); Regions Bank v. Schmauch, 354 S.C. 648, 582 S.E.2d 432 (Ct. App. 2003); Redwend Ltd. P’ship v. Edwards, 354 S.C. 459, 581 S.E.2d 496 (Ct. App. 2003). In determining whether any triable issue of fact exists, the evidence and all inferences which can reasonably be drawn

therefrom must be viewed in the light most favorable to the nonmoving party. Sauner v. Public Serv. Auth., 354 S.C. 397, 581 S.E.2d 161 (2003); Hendricks v. Clemson Univ., 353 S.C. 449, 578 S.E.2d 711 (2003); McNair v. Rainsford, 330 S.C. 332, 499 S.E.2d 488 (Ct. App. 1998). Further, all ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party. Bayle v. South Carolina Dep't of Transp., 344 S.C. 115, 542 S.E.2d 736 (Ct. App. 2001); Ferguson v. Charleston Lincoln Mercury, Inc., 349 S.C. 558, 563, 564 S.E.2d 94, 96 (2002). If triable issues exist, those issues must go to the jury. Baril v. Aiken Reg'l Med. Ctrs., 352 S.C. 271, 573 S.E.2d 830 (Ct. App. 2002); Young v. South Carolina Dep't of Corrections, 333 S.C. 714, 511 S.E.2d 413 (Ct. App. 1999). The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder. Dawkins v. Fields, 354 S.C. 58, 580 S.E.2d 433 (2003); George v. Fabri, 345 S.C. 440, 548 S.E.2d 868 (2001).

ARGUMENT

A. Plaintiffs have standing to assert claims for declaratory and injunctive relief based on a clear and undeniable personal stake in contesting Defendants' improper attempts to expel Plaintiffs from the Property.

South Carolina Rule of Civil Procedure 17(a) provides that in order to have standing to sue, a plaintiff must be a real party in interest. "A real party in interest is one who has a real, material, or substantial interest in the subject matter of the litigation, as opposed to one who has only a nominal or technical interest in the action." Anchor Point, Inc., v. Shoals Sewer Co., 308 S.C. 422, 418 S.E.2d 546 (1992); Duke Power v. South Carolina Pub. Serv. Comm'n, 284 S.C. 81, 96, 326 S.E.2d 395, 404 (1985) ("To have standing to present a case before the courts of this State, a party must have a personal stake in the subject matter of the lawsuit."); Town of Sullivan's Island v. Felger, 318 S.C. 340, 346, 457 S.E.2d 626, 629 (Ct. App. 1995) (holding that a town had standing in a declaratory action to determine whether the defendant owned fee simple title to the property, even though the town did not have a direct interest

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in ownership of the property).

In this case, it is undisputed that Plaintiffs have had the use, possession, and control over the Property since the NLAC was founded in 2014. It is also undisputed that Plaintiffs paid for all of the maintenance costs for the Property for more than six (6) years and during this time period, invested significantly in improvements to the Property. Further, Plaintiffs' interest in the Property is distinctly personal. Plaintiffs utilize the property as their place of worship and events for their church community. Although church events have been interrupted due to Covid-19, the Property remains essential to NLAC's operations and vital to the religious practice of the NLAC membership.

As in most cases, a plaintiff's standing derives from the actions of one or more defendants. In this case, the Individual Defendants threatened to forcefully remove Plaintiffs from the Property. This threat prompted Plaintiffs to file suit and defend against the improper expulsion. To say that there is no standing in this case is akin to saying that a person can be evicted from their home and would have no legal standing to object to the eviction. Defendants' argument ignores the fact that standing is based on an interest in the disputed matter, which in this case is possession of property.

It appears that Defendants' standing argument is based on an inaccurate presumption that Plaintiffs are seeking to enforce church membership rights. For example, Defendants assert that Plaintiffs do not have standing because they disassociated from the Progressive Church and thereby relinquished all rights in the church. However, in the Amended Complaint Plaintiffs do not assert rights of membership. To the contrary, Plaintiffs allege that they possess rights in the Property as a separate and distinct organization that is the successor in interest to the Sumter Congregation. In other words, Plaintiffs rights to the Property and the claims they have asserted in this case are derived from their rightful possession, use, and control of the Property and not from any membership status in Progressive Church.

Defendants' reliance on Brock v. Bennett, 313 S.C. 513; 443 S.E.2d 409 (Ct. App. 1994) to support their standing argument is misplaced. In that case, Brock, who was a former church trustee and

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named on the church property deed, claimed ownership of the church property. Id. at 515; 443 S.E.2d at 410. Brock had left the church and had not attended services at the church for over thirty years. Id. In other words, Brock had abandoned the church, his position as a trustee, and the church property. Nevertheless, he attempted to come back years later to claim the property as the only living trustee named in the deed. The Court of Appeals found that “the trustees of a church hold the property solely for the congregation” and that Brock was no longer a trustee of the church. As a result, Brock did not have standing to claim ownership of the property and the Court of Appeals found in favor of the church congregation and its pastor. Id. at 519; 443 S.E.2d at 412.

In this case, Plaintiffs have continuously maintained the use and possession of the Property. They are the congregation for whom the property is to benefit. At no point have they abandoned their rights or their interest in the Property. To the contrary, they have maintained and improved the Property since 2014 with the acknowledgement of Bishop Smith, who was the Presiding Bishop, and only duly appointed Bishop, at the time of the disassociation. As such, contrary to Defendants’ assertions, the Brock case supports the claims of Finklea, as the pastor, and of the NLAC, as the congregation, and in no way supports dismissal of Plaintiffs’ claims for lack of standing.

In sum, Plaintiffs have an interest in the Property that is real, material, and substantial. Plaintiffs’ interest is not contingent or based upon membership status in the Progressive Church. As such, Plaintiffs are real parties in interest for purposes of SCRCP 17(a) and have standing to pursue their claims.

B. The Court must apply neutral principles of law to determine ownership of the property in dispute and whether Defendants have authority to exercise control over the property.

Protestant Episcopal Church v. Episcopal Church, 421 S.C. 211, 806 S.E.2d 82 (2017) reaffirms that South Carolina courts, in resolving church disputes, are to follow the “neutral principals of law” approach as outlined by the United States Supreme Court in Jones v. Wolf, 443 U.S. 595 (1979) and adopted by this State as expressed in Pearson v. Church of God, 325 S.C. 45, 478 S.E.2d 849 (1996) and

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All Saints Parish Waccamaw v. Protestant Episcopal Church in the Diocese of South Carolina, 385 S.C. 428, 685 S.E.2d 163 (2009). In outlining the “neutral principles of law” framework, the United States Supreme Court in Jones provided that it is necessary that civil courts look to religious documents such as church constitutions, deeds, corporate charters, or the constitution of the general church in resolving church disputes, though cautioning that “in undertaking an examination of religious documents, such as a church constitution, a civil court must take special care to scrutinize the documents in purely secular terms” Jones, 443 U.S. at 604. The Jones Court further clarified the “doctrinal matters” to be avoided by Courts in church property disputes which may receive “no consideration” to include “the ritual and liturgy of worship or tenets of faith.” Jones, 443 U.S. at 602.

The South Carolina Supreme Court stated that when adjudicating church disputes, “courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration; [however], courts cannot avoid adjudicating rights growing out of civil law; [thus,] in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.” Pearson, 325 S.C. at 53, 478 S.E.2d at 854.

Pursuant to the “neutral principles of law” approach, the South Carolina Supreme Court’s decisions in Pearson and All Saints provide that “ownership of disputed property is determined by applying generally applicable law and legal principles. That application will usually include considering evidence such as deed to the properties, terms of the local church charter (including articles of incorporation and [bylaws], if any), and relevant provisions of governing documents of the general church.” Protestant Episcopal Church, 421 S.C. at 272, 806 S.E.2d at 114 (2017) (Toal, J., dissenting). An examination of the secular provisions of church documents is akin to examining a corporation’s bylaws to determine the legitimacy of a corporate action. All Saints, 385 S.C. at 450, 685 S.E.2d at 175. Accordingly, civil courts must take a comprehensive approach in resolving church disputes, to include a

neutral examination of the secular and civil provisions of church documents such as the church constitution and bylaws. Id. Such examination does not require that courts resolve disputes of religious doctrine, but that courts consider the processes and procedures in which a church transacts business. Id.

The relevant processes and procedures regarding the transaction of church business as contained in the secular portions of a church constitution or bylaws or governing document, should be considered when resolving church property disputes. In All Saints, the court expressly examined the Constitutions and Canons of the Protestant Episcopal Church in rendering their decision pursuant to the neutral principles of law approach established in the case.

While this case involves the ownership of property to which South Carolina property law is applicable, the circumstances surrounding the authority or control of the property requires this Court to examine the church's governing documents and its specific provisions related to the appointment of members to the Board of Bishops. An examination and application of the Constitution is not to interpret ritual, liturgy, or tenets of the Progressive Church faith.

As an initial matter, Defendants' allegation that the Progressive Church is a hierarchical church and the dispute must be disposed of in a manner that gives deference to the unconstitutionally appointed board is a misapplication of the neutral principles of law approach and ignores the State Supreme Court's ruling in All Saints which expressly overturned the congregational/hierarchical approach in resolving church disputes. The congregational or hierarchical nature of the Progressive Church is not in any way dispositive as neutral principles of law govern the resolution of church property disputes.

There is a genuine issue of material fact as to whether Defendants are the rightly constituted Board of Bishops under the Constitution and, thus, have authority to make a determination as to the status of the disputed property or exercise control over the property. See Jenkins v. Refuge Temple Church of God in Christ, Inc., 424 S.C. 320 (Ct. App. 2018) (where after reviewing the church's bylaws and governing document, the Court found that the former pastor improperly appointed members to the Board

as the manner of appointment did not comply with the bylaws, thus, the Board lacked authority to execute a contract). Further, Defendants admit that the appointment did not occur until February of 2019, more than five (5) years after Plaintiffs disassociated from the Progressive Church. Plaintiffs have presented substantial, uncontroverted evidence that at the time of the Sumter Congregation's disassociation from the Progressive Church, the late Bishop Smith was the only member of the Board of Bishops. As such, he was authorized to determine whether Plaintiffs had the right to use and possess the Property.

Defendants' argument that this Court lacks subject matter jurisdiction to resolve Plaintiffs' claims is disingenuous. Defendants assert that this Court cannot adjudicate whether Theodore Jenkins, Lang Priester, David Johnson, and Paul Johnson are rightfully appointed as members of the Board of Bishops, yet in their supplemental memorandum they attempt to persuade the Court to accept an adjudication regarding their appointment by another court. It appears that Defendants will assert jurisdiction exists so long as the matter is resolved in their favor.¹

Regardless of the contradictions in Defendants' submissions, jurisdiction in this case is proper. Specifically, this Court has subject matter jurisdiction to apply neutral principles of law to resolve Plaintiffs' claims regarding the ownership and control of the Property.

C. Plaintiffs have set forth and supported facts that justify reformation of the deeds to carry out the intent of the parties, which was for the Plaintiffs to use and possess the Property.

An action to reform an instrument is an equitable claim. Crewe v. Blackmon, 289 S.C. 229, 233, 345 S.E.2d 754, 756 (Ct. App. 1986). It allows courts to conform the instrument to the actual intent of the parties. Shaw v. Aetna Cas. & Sur. Ins. Co., 274 S.C. 281, 285, 262 S.E.2d 903, 905 (1980) ("It has long been the law of this state that where a written contract does not conform to the intention of the

¹ The plaintiffs in the District Court case have filed a Motion for Reconsideration which is currently pending.

parties, equity will reform the contract.”)

In their Memorandum, Defendants assert that Plaintiffs reformation claim should be dismissed because “[a] party seeking reformation must ordinarily have been a party to the instrument for which reformation is sought.” Defendants Memo, p. 24. To support their position, Defendants rely on the case of George v. Empire Fire & Marine Ins. Co., 336 S.C. 206, 519 S.E. 2d 107 (Ct. App. 1999).

As an initial matter, Plaintiffs were a party to the acquisition of the Property. As Defendants admit, the pastor of the Sumter Congregation at the time of the acquisitions (David S. Johnson) identified the Property and executed the documents. Defendants Memo, pp. 8-10. Further, Defendants admit that the Property was purchased “as a permanent place of worship for the Sumter Congregation.” Id. at 8. As such, the Sumter Congregation, which later became the NLAC, was a party to the instrument for which reformation is sought.

Further, in the George case, immediately following the sentence used by Defendants, the Court of Appeals decision provides that a third party beneficiary can maintain an action for reformation. 336 S.C. at 212, 519 S.E. 2d at 110.² Thus, even if the Sumter Congregation is considered to be a beneficiary to the deeds, rather than a party, the Sumter Congregation, and NLAC as its successor, can maintain an action for reformation to conform the instrument to the intent of the parties.

Defendants’ arguments are also contradicted by their own actions. On September 20, 2019, Defendant Paul Johnson, on behalf of the “Board of Bishops”, filed a deed with the Register of Deeds in Sumter County that purportedly conveyed the Property to be held in trust for the Progressive Church in Columbia and included a restriction on the Property which precludes any encumbrance of the Property without the written consent of the “Board of Bishops of the Progressive Church.” Finklea SJ Affidavit, ¶ 50. If the Defendants already owned the Property, and had a clear right to exclusive control of the

² The Court of Appeals in George also rejected a standing argument similar to the standing argument posed by Defendants in this case. 336 S.C. at 212, 519 S.E. 2d at 110.

Property as they claim, why were they compelled to amend the deeds to declare the Property in trust and impose restrictions? It is because the Church Constitution³, and past practices of Progressive Church, clearly and convincingly establish that local congregations own their church property and maintain that ownership after disassociation. *See* Judge Doby's Order of Judgment, pp. 4-5; Finklea SJ Affidavit at ¶¶ 46-49; and Beard Affidavit at ¶¶ 22-24. As such, Plaintiffs have stated a valid, well-supported claim for reformation that should not be summarily dismissed as Defendants propose.

D. Plaintiffs have stated a claim for quantum meruit and unjust enrichment as articulated in applicable law in the event it is determined that the Progressive Church owns the Property.

As an alternative claim, Plaintiffs have asserted facts to satisfy the required elements for unjust enrichment under South Carolina law. In South Carolina, to state a claim for unjust enrichment/quantum meruit, a plaintiff must state (1) that the plaintiff conferred a non-gratuitous benefit on the defendant; (2) that the defendant realized the benefit; and (3) that it would be inequitable for the defendant to retain the benefit without paying the plaintiff for its value. Sauner, 354 S.C. at 409. There is no requirement in applicable law that the plaintiff establish the existence of a duty.

Defendants' reliance on Pitts v. Jackson Nat. Life Ins. Co. and Chase Home Fin., LLC v. Risher is misplaced. These cases do not establish an additional requirement that a plaintiff establish a duty on the part of the defendant to state a claim for unjust enrichment.

In Pitts, the plaintiff, Pitts, asserted a claim of unjust enrichment and requested that the court impose a constructive trust over funds retained by the insurer. Pitts relied on a duty of good faith and fair dealing. As such, Pitts' claim was premised on the existence of a duty of the insurer to advise Pitts

³ There are no restrictions in the Church Constitution governing the ownership of property by a local congregation and the Church Constitution does not impose any trust for the benefit of the national church on local congregation property.

that he was eligible for a superior product. That is not the case here. Plaintiffs' claim of unjust enrichment is not based on a breach of any duty by Defendants.

In Risher, the court denied the plaintiff's claim of unjust enrichment finding that it had not conferred a benefit on the defendant because she was not a direct recipient of the loan and plaintiff had the opportunity to establish a lien on her interest in the property as she was included on the contract of sale. The court did not find that a duty to disclose was required to support a claim of unjust enrichment.

Here, Plaintiffs are not relying on a claim that the Individual Defendants or the Progressive Church owed a duty to Plaintiffs. Rather, if it is determined that Plaintiffs are not the owners of the Property, they seek to recover for the numerous improvements to the Property that Defendants would be unjustly receiving.

Defendants argue that Plaintiffs "knew or should have known they did not in 2014 and never have had any claim to title ownership of the property" and, thus, improved and maintained the property at their own risk. This argument is disingenuous. As Defendants know, the ownership and control of the Property is contested. Further, Defendants know that Plaintiffs have maintained possession and use of the Property in accordance with Progressive Church policy and practice and with the knowledge and consent of the Progressive Church's leader, Bishop Smith. As such, the improvements made by Plaintiffs were reasonable and based on a well-founded claim of ownership.

As such, Plaintiffs have asserted facts to support a cognizable claim for unjust enrichment. Accordingly, Defendants' partial motion for summary judgment should be denied.

E. All of the material facts asserted by Defendants in their Counterclaims are disputed, triable issues of fact.

Defendants assert that they are entitled to summary judgment on their claim for declaratory relief based on an argument that there is no genuine issue of material fact as to: their alleged ownership and right to exclusive possession of the Property; their alleged governance authority; and the alleged lack of

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permission for Plaintiffs to use the Property. Defendants Memo, pp. 26-27. Defendants' argument fails because all of these facts are contested and the evidence currently before the Court, and all inferences which can reasonably be drawn therefrom, demonstrate that there are triable issues.

Specifically, Plaintiffs have alleged, and have provided supporting evidence to show, that NLAC is the successor church for the Sumter Congregation and has, with the knowledge and consent of Progressive Church leadership, maintained exclusive possession of the Property. Finklea SJ Affidavit at ¶¶ 46-49; and Beard Affidavit at ¶¶ 22-24. In addition, Plaintiffs have provided evidence that the Individual Defendants are not the governing board of the Progressive Church because they were not appointed in accordance with the Church Constitution. Judge Doby's Order of Judgment, p. 4; Finklea Injunction Affidavit at ¶¶ 10, 12, 13; Beard Affidavit at ¶¶ 13-20; and Robins Affidavit, at ¶¶ 15-27. As such, summary judgment cannot be granted in Defendants' favor.

Defendants also assert that they are entitled to summary judgment on their claim for trespass on grounds that it is allegedly undisputed that Plaintiffs are "deceptive squatters" with no right to occupy the Property. Defendants claim of no dispute is again misplaced. Plaintiffs have alleged, and have provided supporting evidence to show, that they provided clear and unequivocal notice to the Progressive Church of their disassociation and formation of NLAC as a successor church. Finklea SJ Affidavit at ¶¶ 23-27; Little Affidavit at ¶¶ 5-11. The evidence also shows that Progressive Church leadership acknowledged the disassociation and NLAC's use of the Property. Finklea SJ Affidavit at ¶¶ 23-27. Further, Plaintiffs have submitted evidence that their disassociation from the Progressive Church and continued use of the Property was common knowledge in the Progressive Church and that one of the Individual Defendants, Theodore Jenkins, preached at a NLAC church service. Finklea SJ Affidavit at ¶¶ 28-32; Little Affidavit at ¶¶ 12-14; Robins Affidavit at ¶¶ 10-14; and Beard Affidavit at ¶¶ 7-9. As such, Plaintiffs have put into dispute, and have effectively rebutted, the allegations upon which Defendants' trespass claim is based.

F. The federal court order has no effect on this case because the federal court litigation is still pending, Plaintiffs are not parties to the federal litigation, and Plaintiffs' claims were not asserted in the federal court litigation.

After submitting their initial partial summary judgment papers on March 31, 2021, Defendants submitted a "Supplemental Memorandum in Support of Motion for Partial Summary Judgement" on April 6, 2021. In their supplemental submission, Defendants included an Order from the United States District Court and assert that the Order contains a "conclusive decision" regarding their alleged appointment to the governing board of the Progressive Church. As a preliminary matter, Defendants' submission of a court decision that rules on church governance matter contradicts Defendants' previous argument that this Court lacks jurisdiction to consider church governance issues. Regardless, the Order is far from conclusive. The federal court case is still pending as the Tallahassee Congregation has filed a motion for reconsideration. *See* Attached Motion to Reconsider. Moreover, Judge Anderson's Order, which is from another trial court in a case with different parties, cannot be used to preclude any issues, or as precedent, in this case. *See, e.g., Pye v. Aycock*, 325 S.C. 426, 432 and 436, 480 S.E.2d 455, 458 and 460 (Ct. App. 1997) ("To establish *res judicata*, three elements must be shown: (1) the identities of the parties is the same as a prior litigation; (2) the subject matter is the same as the prior litigation; and (3) there was a prior adjudication of the issue by a court of competent jurisdiction" and to establish collateral estoppel there must be a showing that "the party adversely affected had a full and fair opportunity to litigate the relevant issue effectively in the prior action."); *Laffitte v. Bridgestone Corp.*, 381 S.C. 460, 473 n.9, 674 S.E.2d 154, 161 (2009) (holding that a federal court decision interpreting state law is not binding on state courts). Thus, it is unclear as to what purpose the submission of the Order serves other than to improperly attempt to influence this Court's decision.

CONCLUSION

For the foregoing reasons and based on the supporting affidavits submitted by Plaintiffs to the Court, Plaintiffs respectfully request that the Court deny Defendants' Motion for Partial Summary Judgment. In addition, for the reasons set forth in Plaintiffs' Motion for a Preliminary Injunction, and the memorandum and affidavit in support thereof, Plaintiffs respectfully request that the Court grant a preliminary injunction that maintains the status quo during the pendency of this litigation.

BOYKIN & DAVIS, LLC

By: s/Peter E. Keup

Charles J. Boykin, Esq. (SC Bar #65149)

Kenneth A. Davis, Esq. (SC Bar #66416)

Peter E. Keup, Esq. (SC Bar #78383)

220 Stoneridge Drive, Suite 100

PO Box 11844 (29211)

Columbia, SC 29210

Telephone: (803) 254-0707

Facsimile: (803) 254-5609

Attorneys for Plaintiffs

May 14, 2021
Columbia, SC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION
Civil Action No. -3:19-cv-03541-JFA

Progressive Church of Our Lord
Jesus Christ, Inc.,

Plaintiff,

vs.

Progressive Church of Our Lord Jesus
Christ-Tallahassee, Inc.,

Defendant.

MOTION TO
RECONSIDER

Progressive Church of Our Lord Jesus Christ, Tallahassee, Moves before the Court for reconsideration of its Order of April 1, 2021 in the following particulars:

1. The finding by the Court that the Plaintiff represents an Incorporation of the Progressive Church of Our Lord Jesus Christ.
2. The finding that Plaintiff, Progressive Church of Our Lord Jesus Christ, Inc. is a hierarchical Church.
3. That this action is properly brought by the governing authority of Progressive Church of Our Lord Jesus Christ, Inc.
4. That the Plaintiff is entitled to Summary Judgment.

s/Louis D. Nettles
PO Box 5533
Florence SC 29502
843-942-1444
Louis@NettlesFirm.com

Bar No. 2521
Attorney for Defendant

ELECTRONICALLY FILED - 2021 May 14 1:26 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc. and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-4301863

**AFFIDAVIT OF RICKY FINKLEA
SUBMITTED IN RESPONSE TO
DEFENDANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT**

I, Ricky Finklea, having been duly sworn, depose and say the following:

1. I am over the age of eighteen (18) and I am a resident of Sumter, South Carolina, which is located in Sumter County.
2. I am currently the Pastor of New Life Apostolic Church, Inc. ("NLAC"), which is located at 219 Crescent Avenue, and 502, 504 and 508 North Main Street in Sumter, South Carolina (collectively referred to as "the Property").
3. Prior to the formation of NLAC, I was the pastor of the Sumter Congregation of the Progressive Church of Our Lord Jesus Christ ("Progressive Church").
4. I became a member of the Progressive Church in 1977.
5. On August 18, 1983, the Progressive Church adopted its Church Constitution as its governing document. To my knowledge the Church Constitution has not been amended or replaced and remains the authoritative document relating to the governance of the Progressive Church. A copy of the Church Constitution is attached as Exhibit 1.

6. The Church Constitution provides that: “The Progressive Church of Our Lord Jesus Christ, Inc. shall be governed by a Board of Bishops which shall at no time consist of less than three (3) members. . . .” Church Constitution, Article III, Section II.

7. The Church Constitution also provides that: “Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery.” Church Constitution, Article V, Section I.

8. The only mechanism identified in the Church Constitution for filling vacancies on the Board of Bishops is through an election by the Board of Presbytery. Church Constitution, Article V, Section I.

9. At the time of the adoption of the Church Constitution there were three bishops: Joel G. Washington, who was Presiding Bishop; Bishop Edward Smith; and Bishop Henry J. Breakfield.

10. By 1988, Bishop Washington and Bishop Breakfield had both passed away and Bishop Smith was the sole remaining Bishop. Although the Church Constitution required at least three members on the Board of Bishops, the two vacancies were not filled and Bishop Smith served as the Presiding Bishop with no other Bishops on the Board of Bishops.

11. In February of 1988, the Progressive Church’s Board of Presbytery adopted a resolution granting Bishop Smith executive authority to operate the day-to-day operations of the Progressive Church. Attached hereto as Exhibit 2 is a copy of the resolution.

12. As the Presiding Bishop and only Bishop on the Board of Bishops, and under the authority granted by the 1988 resolution, Bishop Smith served in an executive role for the Progressive Church for decades acting on behalf of the organization in business and transactional matters.

13. I was ordained as a minister in the Progressive Church in July of 1993.

14. In the early part of 2000, Bishop Smith assigned me to the Progressive Church's Sumter Congregation to work as an Assistant Pastor under the guidance of David S. Johnson. At that time, the Sumter Congregation had only three (3) members and was holding church services in a 25 by 50 foot building located at 219 Crescent Avenue in Sumter.

15. In July of 2003, I was ordained as an Elder in the Progressive Church.

16. In August of 2003, Bishop Smith appointed me as the Pastor of the Sumter Congregation. I do not recall signing any statement regarding my appointment as pastor or any "Ministerial Reaffirmation Statement".

17. On May 26, 2007, Bishop Smith issued an executive resolution wherein he unilaterally, and in contradiction to the Church Constitution, appointed four (4) additional bishops: Theodore Jenkins; Lang Priester; David S. Johnson; and Paul C. Johnson ("Individual Defendants"). A copy of the Executive Resolution with the unilateral appointments is attached hereto as Exhibit 3.

18. The Church Constitution provides that the Progressive Church's Board of Presbytery is appointed by the Board of Bishops. Church Constitution, Article III, Section III.

19. On July 7, 2007, Bishop Smith, who was the only constitutionally appointed member of the Board of Bishops, along with the unconstitutionally appointed Bishops, designated the following persons to serve as the Board of Presbytery: Elder Gerry Bailey, Elder Roy Brockington, Elder Ron Donaldson, Elder Wender Gavin, Elder Robert Mingo, Elder William E. Smith, and Elder Woodrow Willingham. A copy of the Executive Order appointing the members of the Board of Presbytery is attached hereto as Exhibit 4.

20. Following the unconstitutional appointments in 2007, the Sumter Congregation and I became concerned about the Progressive Church's leadership. Among other things, we were concerned because there were several accusations made regarding improprieties involving Progressive Church funds and improper relationships.

21. Between 2007 and 2014, I spoke with Bishop Smith on behalf of the Sumter Congregation about the concerns on several occasions but unfortunately, these conversations did not lead to a resolution acceptable to me or the Sumter Congregation.

22. As a result, on July 20, 2014, I held a meeting for the Sumter Congregation. We discussed concerns relating to the leadership of the Progressive Church and I informed the congregation that I was disassociating from the Progressive Church. I then offered the members of the Sumter congregation the option of disassociating from the Progressive Church. I left the meeting room and told the congregation that those who wanted disassociate should sign a petition I left at the door. Over ninety percent (90%) of the Sumter Congregation signed the petition. A copy of the documentation from the Sumter Congregation meeting on July 20, 2014, which includes meeting minutes and a petition, is attached hereto as Exhibit 5.

23. Following the meeting on July 20, 2014, I informed Joseph D. Williams, the District Bishop who presided over the district that included Sumter, of the Sumter Congregation's decision to disassociate from the Progressive Church.

24. Shortly thereafter, Bishop Williams told me that he informed Bishop Smith of the disassociation of the Sumter congregation.

25. I, along with the members of the Sumter Congregation, formed a successor church, New Life Apostolic Church, which was incorporated as a nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014.

26. In early 2015, Bishop Smith requested formal notification of the Sumter Congregation's disassociation. As a result, on January 23, 2015, I sent a letter of separation to Bishop Smith. Attached hereto as Exhibit 6 is a copy of the letter of separation.

27. From its inception, NLAC has operated openly as a separate and distinct church from the Progressive Church. Further, I have been open and apparent that I was the Pastor of NLAC and no longer part of the Progressive Church. Each Sunday prior to Covid we held church services which were open to visitors. In these services and in all our notices, bulletins, and other church publications we have referred to ourselves as the NLAC. Attached as Exhibit 7 are examples of church materials that clearly and plainly identify the church as NLAC and me as the Pastor.

28. The disassociation was, and continues to be, well known among members of the Progressive Church and I have frequently talked about the disassociation and NLAC with pastors, elders, and bishops in the Progressive Church, including multiple conversations with the Bishop Smith and with the alleged current Presiding Bishop, Theodore Jenkins ("Jenkins"), who is an individually named Defendant in this case.

29. I have invited several pastors from the Progressive Church to come preach at NLAC services, including Jenkins. On June 28, 2015, we were holding a first anniversary church service for NLAC in Bishopville, South Carolina. Jenkins came to the NLAC church service and preached to NLAC members. A program for the service was distributed to all who attended, including Jenkins. The program identifies the church as "New Life Apostolic Church", the pastor as "Ricky Finklea", and it lists "Bishop Theodore Jenkins" as providing the sermon. Attached hereto as Exhibit 8 is a copy of the June 28, 2015 NLAC Church Service Program.

30. During his sermon at the NLAC church service on June 28, 2015, Jenkins acknowledged the Sumter Congregation's disassociation from the Progressive Church. Jenkins told the congregation that he and I were still brothers, even though I was no longer a part of the Progressive Church. He stated we both have the same Father, Jesus Christ, and that makes us brothers.

31. Following the NLAC church service on June 28, 2015, Jenkins made a donation of \$25 to the NLAC. As a result, NLAC issued Jenkins a receipt for income tax purposes to Jenkins. Attached hereto as Exhibit 9 is a copy of the tax receipt.

32. On September 1, 2015, I was sitting in my office at the church property in Sumter and I received a call from J.D. Williams, who was a leader in the Progressive Church. He said that he was outside the church with Jenkins. I let them into my office and we discussed a variety of matters including the disassociation of the Sumter Congregation and the formation of the NLAC.

33. To be a congregation in the Progressive Church you must submit assessments to the national headquarters and quarterly and annual reports.

34. Prior to July 20, 2014, the Sumter Congregation regularly paid assessments to the Progressive Church and I, as the pastor, submitted quarterly and annual reports to the District Bishop and the Presiding Bishop. Following the disassociation on July 20, 2014, I did not submit any quarterly or annual reports to the Progressive Church on behalf of the Sumter Congregation. Further, no dues or assessments were paid on behalf of the Sumter Congregation to the Progressive Church.

35. NLAC is not part of the Progressive Church. As such, NLAC has not paid any dues or assessments to the Progressive Church. In addition, NLAC has not submitted any quarterly or annual reports to the Progressive Church.

36. On April 15, 2016, I met with Bishop Smith to discuss the disassociation of the Sumter congregation and NLAC as the successor church. We discussed the reasons for the separation and Bishop Smith requested that we reconsider our decision. At the end of our conversation, I requested some time to consider Bishop Smith's request.

37. On April 22, 2016, I met again with Bishop Smith and informed him that our decision to disassociate from the Progressive Church was final. Bishop Smith accepted the decision and encouraged me to remain faithful to the word of God. He made no objection to NLAC's use of the Property and asserted no ownership rights with respect to the Property on behalf of the Progressive Church.

38. Until Paul Johnson sent me correspondence in 2019, I did not receive any correspondence from the Progressive Church regarding any concerns about NLAC operating and conducting church activities on the Property. NLAC occupied, maintained, and enhanced the Property for years without any objection. Moreover, NLAC significantly improved the Property, the church, and a house on the Property, which has included renovations to the church and house and the construction of an addition to the building located at 219 Crescent Avenue. These improvements have been financed and completed by NLAC and its membership without any contribution or assistance from the Progressive Church.

39. Since its establishment in 2014, NLAC has grown from thirty members to over one hundred members.

40. I use the email pcsumter@yahoo.com, which I created as an abbreviation for Power to Change New Life Ministries and Services, which was a nonprofit organization that I founded in Sumter, South Carolina. Contrary to the assertions in Defendants' motion papers, the email address is not associated with the Progressive Church or the Sumter Congregation of the Progressive Church.

41. Although I disassociated from the Progressive Church, I maintain fellowship with many members of the Progressive Church and consider them to be brothers and sisters in Christ. I have been, and continue to get, invited to Progressive Church events. For example, Progressive Church pastors, ministers, and elders invited me to attend Progressive Church meetings on March 8, 2019, March 30, 2019, and August 17, 2019. These meetings occurred after the Individual Defendants claimed to be in control of the Progressive Church as a result of their unconstitutional appointments to the Board of Bishops in February of 2019. Many of the pastors, ministers, and elders in the Progressive Church were concerned about the actions of the Individual Defendants and a group of them asked me to assist them in voicing their concerns because I remain well respected in the Progressive Church community. At their request, I provided assistance with respect to communicating the concerns to the Individual Defendants and I sent letters and emails to the Individual Defendants. Some of these correspondence are described in, and included as attachments to, the Affidavit of Paul Johnson.

42. When I attended the Progressive Church events, such as those discussed in Defendants' affidavits, I did not "masquerade" as being a pastor in the Progressive Church. Rather, I participated in the events as a former leader in the Progressive Church who remains in fellowship with current members of the Progressive Church. At no point during the meetings did I state that I was still a member of the Progressive Church. I was never asked about my

affiliation because my disassociation from the Progressive Church was common knowledge among Progressive Church pastors, elders, and bishops.

43. During the Progressive Church meeting on March 30, 2019, photos were taken of the people in attendance. I was never told the purpose of the photos.

44. Sometime in April of 2019, I attended an event and Jenkins was also in attendance. He handed me an envelope as I was leaving. I did not know the contents of the envelope until I returned home and opened it. When I saw that they were “ministerial credentials” from the Progressive Church I threw them in the trash as I was not a member of the Progressive Church and following my disassociation in 2014, I did not utilize any ministerial authority granted by the Progressive Church.

45. Even after leaving the Progressive Church, I maintained a good relationship with Bishop Smith and we held each other in high regard. After Bishop Smith passed away, his family asked me to offer a prayer at the November 21, 2020 memorial services. I agreed to their request and delivered the prayer. I do not know who prepared the program for the services and I was never asked about how I wanted to be listed in the program. In fact, I was not aware of the program or its contents, and did not see the program, until after I arrived at the services. As a result, I was unable to request that they change the program to correctly list me as Pastor of NLAC.

46. The Progressive Church Constitution does not impose any trust on local congregation property.

47. Local congregation property is controlled, used, maintained, and improved by the local congregations without interference from the national organization.

48. Prior to 2019, the only time that I am aware of that the Progressive Church asserted ownership rights with respect to local congregation property was in the Bishopville case. In that case, Judge Doby issued an Order for Judgment in favor of the local congregation finding that the local congregation in Bishopville, and not the national Progressive Church, owned the church property. See Exhibit 10 attached hereto.

49. Other local congregations who left the Progressive Church kept their church property after forming successor churches. For example, local congregations in Atlanta, Georgia, and in Florence, South Carolina, disassociated from the Progressive Church and formed successor churches that maintained the use and control of local church property.

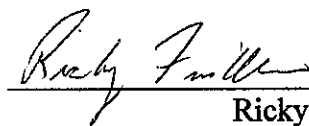
50. On September 20, 2019, without notifying me or any other member of NLAC, Paul Johnson filed a deed with the Register of Deeds in Sumter County that purportedly conveyed the Property to be held in trust for the Progressive Church in Columbia for the sum of ten dollars (\$10). The deed also included a restriction on the Property which precludes any sale or encumbrance of the Property without the written consent of the "Board of Bishops of the Progressive Church." I learned of the deed after it had been filed and obtained a copy from the Register of Deeds, which is attached hereto as Exhibit 11.

51. On December 11, 2020, I received a letter from Paul C. Johnson that asserts that the church property where NLAC operates is owned by the Progressive Church, and that the Board of Bishops objects to a sign on the Property that displayed, "New Life Apostolic Church". The letter also directs me to "vacate the Progressive Church's property in Sumter, South Carolina and remove all of [my] belongings" by December 31, 2020 and concludes with the following threat: "Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board's decision

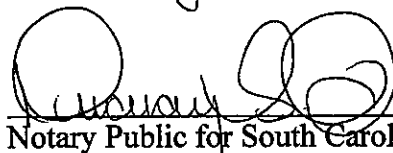
that you vacate the Progressive Church's property in Sumter, South Carolina by December 31, 2020." A copy of the letter is attached hereto as Exhibit 12.

52. As a result of this serious and imminent threat levied against me and NLAC, we filed a lawsuit to protect against Defendants' unauthorized and inappropriate actions and to obtain declaratory and injunctive relief to preserve our rights in the Property.

FURTHER AFFIANT SAYETH NOT


Ricky Finklea

SWORN to before me this 9th day
of May, 2021


Notary Public for South Carolina

My Commission Expires: 8/6/2028

Desaray S. Ross
Notary Public, State of South Carolina
My Commission Expires August 6, 2023

EXHIBIT 1

Jun 08 2020

REFERENCE ID: 532042

Document Number
0001 - P.1

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.

CONSTITUTION

ARTICLE I - ORGANIZATION

Section I. Name of Organization

The name of this organization is the Progressive Church of Our Lord Jesus Christ, Incorporated.

Section II. All Churches in this Organization Shall Bear the Name:

PROGRESSIVE CHURCH OF OUR
LORD JESUS CHRIST, INC.

beginning or ending with any other name as approved by the Board of Bishops.

Churches seeking membership with this organization shall agree to be governed by its laws, by-laws, rules and regulations, and to be subject to the pastoral appointments made by the governing body of this organization.

Section III. Purpose of the Organization

The purpose of the organization is to teach the doctrines and beliefs of the Apostolic Faith and to own, establish and maintain churches, thereby perpetuating the Progressive Church of Our Lord Jesus Christ, Inc.

Section IV. Organizational Structure

The Progressive Church of Our Lord Jesus Christ, Inc. shall function on National, District, and Local levels. There shall be a National Young People's Union, National Women's Auxiliary Board, and National Sunday School Board. Young People's Unions, Women's Auxiliary Boards, and Sunday School Boards may also function on District and Local levels, as deemed necessary by District Elders and local Pastors.

Section V. Purpose of Constitution

We, the members of the Progressive Church of Our Lord Jesus Christ, Inc., do ordain and establish this constitution to further the preaching and propagating of the Gospel of Jesus Christ, and to further promote the spiritual welfare of our members through instructions in the Apostles' Doctrine.

ARTICLE II - STATEMENT OF BASIC DOCTRINES

1. The infallibility of scripture.
2. The oneness of the Godhead (Deity of Christ).
3. Virgin Birth.
4. Faith and repentance toward God.
5. The essentiality of water baptism in the name of the Lord Jesus Christ for the remission of sins.
6. The essentiality of being filled with the Holy Ghost with the initial evidence of speaking in other tongues as the Holy Ghost gives utterance.

Jun 08 2020

ARTICLE III - CLERGY

REFERENCE ID: 532042

Section I.

Mark Hammond
Secretary of State of South Carolina
ry of the Progressive Church of Our Lord Jesus Christ, Inc.
onsist of Bishops, Elders, and Ministers. The Clergy shall
function in various capacities as God has gifted them in accordance
with Ephesians 4:11.

Section II. Board of bishops

The Progressive Church of Our Lord Jesus Christ, Inc. shall be governed by a Board of Bishops which shall at no time consist of less than three (3) members, and shall have as officers, the Presiding Bishop, the Assistant Presiding Bishop and the Secretary to the Board of Bishops. This Board shall govern the church in both spiritual and secular matters. The Board of Bishops shall be responsible for setting forth biblical teachings and doctrines in accordance with the scriptures, and shall have the power to command that all ministers of this organization do the same. In secular matters, the Board of Bishops shall be responsible for the overall operation of the church and its financial growth and stability.

The Board of Bishops shall have the right to investigate the background of any church or organization wishing to become a part of the Progressive Church of Our Lord Jesus Christ, Inc. in an effort to determine if the said church or organization should gain membership into this body.

The members of the Board of Bishops shall retain their positions on the Board for life, unless physically or mentally incapacitated, as long as their lives are in harmony with the Word of God and are not guilty of any improper act or belief. The Board of Bishops shall meet at least four (4) times a year. 11/11/21

Section III.

There shall be a Board of Presbytery appointed by the Board of Bishops which shall consist of consecrated Bishops who are not members of the Board of Bishops and ordained Elders who have met the qualifications outlined in I Timothy 3:1-7, who have been members of this organization three (3) consecutive years and who have been ordained three (3) years.

This Board of Presbytery shall act in an advisory capacity to the Board of Bishops. The Board of Presbytery shall, along with the Board of Bishops, consider any proposed legislation submitted to the Board of Bishops.

The offices of the Board of Presbytery shall be a Chairman, Co-Chairman, Secretary, Assistant Secretary, and Sergeant-At-Arms. The officers of this board shall be elected by its members to serve terms of four (4) consecutive years. The election of officers shall be held during the Annual Convocation of the election year. 11/11/21

The Board of Presbytery shall meet at least twice a year. Once when deemed necessary by the Chairman of the Board and once along with the Board of Bishops. 11/11/21

Section IV. District Bishops or District Elders

The Board of Bishops shall appoint District Bishops or District Elders to preside over the districts. District Bishops or District Elders shall be ordained Elders who have met the standards out-

REFERENCE ID: 532042

District Bishops or District Elders shall be responsible for the
selection of all District Auxiliaries and appointments of
the same to head these auxiliaries.

The District Bishops or District Elders shall insure that all
taxes and assessments, regular and special, levied by the National
organization are rendered to the National Treasury in compliance
with guidelines set forth for such taxes and assessments.

The District Bishops or District Elders shall be responsible for
conducting and presiding over all district meetings. Such meetings
will be held at the District Bishops' or District Elders' discretion
as long as they do not interfere with any national meetings.
District Meetings will be held at least once a year.

Section V. Pastors

All pastoral appointments shall be made by the members of the
Board of Bishops upon the recommendations of the appointee's
pastor and District Bishop or District Elder.

All pastors of local churches shall be ordained Elders who have
met the standards outlined in I Timothy 3:1-7 and adhere to and
uphold the true Apostolic principles as taught by the Progressive
Church of Our Lord Jesus Christ, Inc.

The pastors of local churches shall be responsible for instructing,
encouraging, advising, and aiding his congregation in an effort
to maintain high standards of holiness within the local churches.

Section VI. Local Ministers

Any person licensed as a local minister of the Progressive Church
of Our Lord Jesus Christ, Inc. shall have proven himself faithful
and loyal to God, his pastor and his local church. He must have
demonstrated his ability in teaching Sunday School, conducting public
worship services, and praying and reading publicly.

Upon the recommendation of the pastor and approval of the Board
of Bishops, any man who has met the above standards, and has been
successfully catechized may be licensed as a local minister of
this organization.

ARTICLE IV - FUNCTIONS OF OFFICERS OF THE CLERGY

Section I. Presiding Bishop

-He shall call the general Annual Convocation to order.

-He shall direct the proceedings of the general Annual Convocation
according to its rules, and with the Recording Secretary, sign
the minutes when sustained. With the National Secretary, sign
all other documents when required.

-He shall decide all questions of order.

-He shall appoint committees with the consent of the Board of
Bishops.

-He shall direct the roll to be called at the opening session.

Article IV Section I Continued:

REFERENCE ID: 532042

-He shall be the general spokesman for the Board of Bishops.

Mark Hammond
Secretary of State of South Carolina shall perform all duties incidental to the office.

Section II. Assistant Presiding Bishop

The Assistant Presiding Bishop shall assist the Presiding Bishop and will assume duties of Presiding Bishop in the event the Presiding Bishop becomes unable to perform his duties because of sickness, injury, or any other reasons. In the event of the total disablement or death of the Presiding Bishop, the Assistant Presiding Bishop will become the Presiding Bishop. An Assistant Bishop shall be selected from the remaining Board members.

Section III. Chairman of the Board of Presbytery

The Chairman of the Board of Presbytery shall be directly responsible to the Board of Bishops and shall insure that the functions of the Board of Presbytery are in accordance with the guidelines set forth by the Board of Bishops. He shall act as the spokesman for the Board of Presbytery and shall preside at all Board Meetings.

Section IV. Co-Chairman of the Board of Presbytery

The Co-Chairman of the Board of Presbytery shall be directly responsible to the Chairman of the Board. He shall assist the Chairman in any way deemed necessary by the Chairman of the Board.

The Co-Chairman of the Board of Presbytery shall preside at all meetings in the absence of the Chairman. He shall function as the Chairman, in all capacities, should the Chairman become unable, for any reason, to perform his duties. In the event of total disablement or death of the Chairman, the Co-Chairman will become the Chairman of the Board of Presbytery.

ARTICLE V - THE FILLING OF VACANCIES ON THE BOARD OF BISHOPS

Section I.

Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery. In the event all members of the Board of Bishops are rendered inactive because of death or incapacitation, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Co-Chairman of the Board of Presbytery shall become the Acting Assistant Presiding Bishop.

The Acting Presiding Bishop shall immediately call a special meeting of the Board of Presbytery and shall instruct its members concerning their task of electing the Presiding Bishop, the Assistant Presiding Bishop, and member(s) of the Board of Bishops.

The Acting Presiding Bishop shall encourage the members of the Board of Presbytery to utilize the power of prayer and fasting to seek the will of God in the election of members of the Board of Bishops.

The Acting Presiding Bishop shall inform the members of the Board of Presbytery that the election of the Board of Bishops must take place within sixty (60) days of the special meeting called.

Article VI - Section I

REFERENCE ID: 532042

ARTICLE VI - CREDENTIALS

Se: *Mark Hammond*
SECRETARY OF STATE OF SOUTH CAROLINA

All members of the clergy must be properly licensed by the Board of Bishops.

Section II. All credentials shall be deemed void upon the withdrawal, the resignation or the ex-communication of the licensee.

ARTICLE VII - QUALIFICATIONS AND FUNCTIONS OF OFFICERS

Section I.

All officers must have been baptized, in accordance with Acts 2:38, and filled with the Holy Ghost in accordance with Acts 2:4. They must be of good moral character, and in good standing in the Progressive Church of Our Lord Jesus Christ, Inc.

Section II. National Secretary

The National Secretary shall be responsible for the recording of minutes of all National Meetings of the church for the filling of all general church records. He shall be responsible for the distribution of letters and all other correspondence from the Board of Bishops to all subordinate officers. He shall be responsible for the securing and safekeeping of all the organization's documents and the church's seal. He shall sign official documents with the Presiding Bishop, when necessary, in the name of the Progressive Church of Our Lord Jesus Christ, Inc., and affix the seal thereof when requested. He shall sign checks along with the National Treasurer and shall be responsible for maintaining records of all financial transactions. He shall sign all credentials and perform all duties incidental to the office of the National Secretary. The National Secretary must be bonded.

Section III. Recording Secretary

The Recording Secretary shall keep an accurate account of the proceedings of the Convocation, which shall stand as the official record when approved and shall be signed by him in Convocation with the Presiding Bishop. He shall read all papers which may be ordered to be read. He shall notify the chairman of each committee of his appointment, giving him a list of members and stating the business referred to them. He shall call the roll of ministers alphabetically at the beginning of the Annual Convocation. The Recording Secretary functions only during the Convocation.

Section IV. Corresponding Secretary

The Corresponding Secretary shall keep a record of all officers, names and addresses, attend to all official correspondence, communications, and posting of notices. (Person of high ethical standards is required because confidentiality is imperative).

Section V. National Treasurer

The National Treasurer shall receive and disburse funds according to the directions of the Board of Bishops, keep a full and accurate account of the same, and submit a written report to the General Convocation at the end of each year.

Article VIII - Section V Continued:

REFERENCE ID: 532042

Mark H. Henson
The National Treasurer and the National Secretary shall sign, and endorse in the name of the church all checks, check IOU's, orders for the payment of money, and pay out and dispose of same, and receipt thereof under the direction of the Board of Bishops. He shall perform all duties incidental to the office of the Treasurer. The National Treasurer must be bonded.

Section VI. Secretary of the Treasury

The Secretary of the Treasury shall keep an accurate record of all finances of the organization including a record of all income, a record of all disbursements, a record of all bank deposits, a duplicate of financial records of all auxiliary boards, departments, and committees.

ARTICLE VIII - CASES OF IMPROPER CONDUCT

Section I.

Bishops, Elders, and Pastors will be tried by the Board of Bishops. If a Bishop, Elder or Pastor shall be accused of improper conduct, the Board of Bishops shall carefully examine the case. If in the opinion of the Board of Bishops there is a reasonable ground for such an accusation, they shall prepare the proper charges. A copy of the charge shall be sent to the one charged immediately. The Board of Bishops shall assemble for trial.

The Presiding Bishop shall preside at all trials. In the case where the Presiding Bishop is being tried or is unable to perform, the Assistant Presiding Bishop shall assume the duties of Presiding Bishop at the trial.

The Board of Bishops shall have full power to try the one charged. As a result of its decision, the accused shall be exonerated or suspended from the function of his office. The National Secretary shall notify the churches of the trial results.

Pastors shall have the authority to hear and act upon charges brought against ministers in their local churches. Any minister in disagreement with the decision of his pastor, shall have the right to appeal to his District Bishop or District Elder. If still not satisfied, he shall have the right to appeal to the Board of Bishops.

ARTICLE IX - ANNUAL CONVOCATION

Section I. There shall be a general Annual Convocation of this church. The general Annual Convocation shall consist of the Governing Board of Bishops, the Board of Presbytery, ministers, deacons, and laity.

Section II. The general Convocation is the annual meeting of the organization for preaching and propagating the gospel of Jesus Christ, instructing members in the Apostles' Doctrine, fellowshiping, and transacting the financial matters.

The general Annual Convocation shall receive and allocate finances for the operation of the organization.

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

0001 - P.7

Article X 08 2020

REFERENCE ID: 532042


SECRETARY OF STATE OF SOUTH CAROLINA

ARTICLE X - AMENDMENTS AND REPEALS

Articles contained in this Constitution may be amended or
repealed as necessary when the procedures for the same are
established.

DATE COMPLETED: August 18, 1983

ELECTRONICALLY FILED - 2021 May 14 1:26 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

ROA 00420

Jun 08 2020
REFERENCE ID: 532042

0001 - P.8

August 18, 1983


Mark Hammond
Secretary of State of South Carolina
I subsequently understand and agree with the intent and
provisions of the Constitution of the Progressive Church of Our Lord Jesus
Christ, Inc. Therefore, I render my signature to show my support for the
ratification of this Constitution.


Bishop Joel G. Washington, Sr.
Presiding Bishop


Bishop Edward Smith
National Secretary

Signature of Pastors:

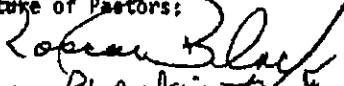
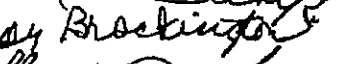
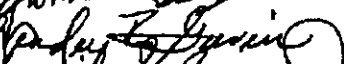
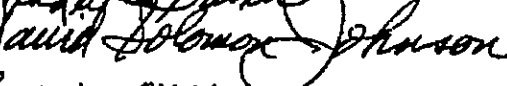
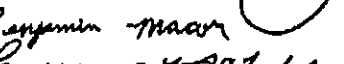
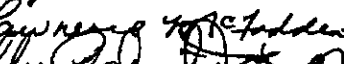
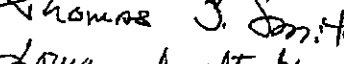
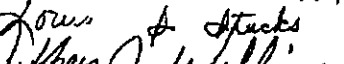
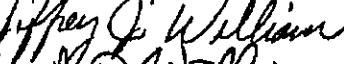
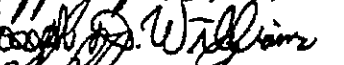
1.  Robert Black
2.  Ray Brockington
3.  John Dwyer
4.  David L. Evans
5.  David Solomon Johnson
6.  Benjamin Macon
7.  Lawrence McTadden
8.  Elmer Robert McNeir
9.  Thomas J. Smith
10.  Louis A. Stacks
11.  Jeffrey L. Williams
12.  Joseph D. Williams
13.  Walter Young
- 14.
- 15.
- 16.
- 17.

EXHIBIT 2

Progressive Church of Our Lord
Jesus Christ Inc.

2222 BARHAMVILLE ROAD
COLUMBIA, S. C. 29204

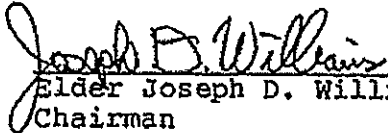
February 28, 1988

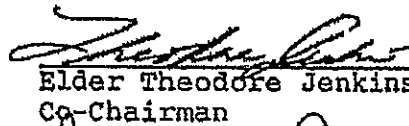
RESOLUTION of the Board of Presbytery of the Progressive
Church of Our Lord Jesus Christ, Incorporated.

Whereas, all offices that are described in the constitution
have not yet been filled in accordance to the Declaration
Dated August 18, 1983.

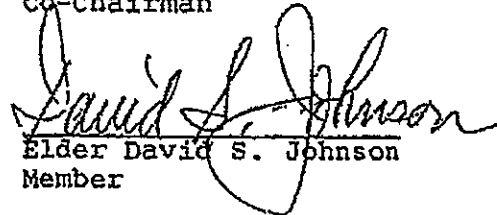
Whereas, we do have a Presiding Bishop (Bishop Edward
Smith).

Be it Hereby Resolved that the Presiding Bishop shall have
the authority to make whatever adjustments required during
this interim period until we can comply with the constitution.
He is at liberty to take whatever time required to accomplish
this goal.


Elder Joseph D. Williams
Chairman


Elder Theodore Jenkins
Co-Chairman


Elder Lang Priester
Member


Elder David S. Johnson
Member

Elder Robert Mingo
Member

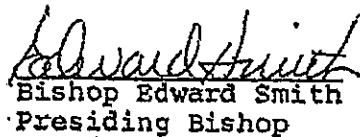

Bishop Edward Smith
Presiding Bishop

EXHIBIT 3



EXECUTIVE RESOLUTION

WHEREAS, the Progressive Church of Our Lord Jesus Christ was originally incorporated with the Secretary of State's Office in 1953; and

WHEREAS, the Progressive Church of Our Lord Jesus Christ, Incorporated, adopted an official Church Constitution on August 18, 1983; and

WHEREAS, on February 28, 1988, the Presiding Bishop and the Board of Presbytery adopted a resolution to institute an interim period of church government consisting of a Presiding Bishop and an Advisory Council to carry out the functions of Article III—Section II and Article III—Section III of the Constitution; and

WHEREAS, on February 28, 1988, the Presiding Bishop and the Board of Presbytery adopted a resolution giving the Presiding Bishop the full authority to make whatever adjustments necessary to provide for the government of the Progressive Church of Our Lord Jesus Christ, Incorporated, and the full authority to fill all vacant positions provided for in the Constitution when determined by the Presiding Bishop;

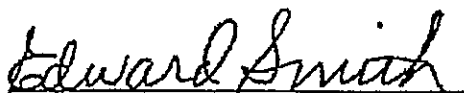
NOW, THEREFORE, BE IT RESOLVED that I, Presiding Bishop Edward Smith, do hereby exercise the authority vested in me by the Constitution and by the resolution adopted on February 28, 1988 to establish and appoint that the following persons shall serve as members of the governing Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Incorporated:

Edward Smith, Presiding Bishop
Theodore Jenkins, Board Member
David S. Johnson, Board Member
Paul C. Johnson, Board Member
Lang Priester, Board Member

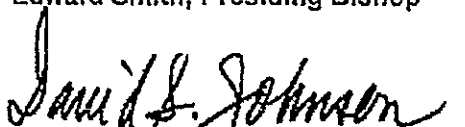
BE IT FURTHER RESOLVED that the above named individuals shall serve as the executive officers of the Progressive Church of Our Lord Jesus Christ, Incorporated, and shall exercise the ecclesiastical authority as stipulated in Article III—Section II of the church Constitution.

BE IT FURTHER RESOLVED that Robert Dwight shall be appointed to the constitutional office of National Treasurer and Ronald Scott shall be appointed to the constitutional office of National Secretary, according to Article VII—Section II and Section V of the church Constitution.

BE IT FURTHER RESOLVED that this resolution is adopted on May 26, 2007 and shall become effective immediately. A copy of this resolution, affixed with the seal of the church and the signatures of the above named officers, shall be filed along with the articles of incorporation at the Office of the Secretary of State of the State of South Carolina.

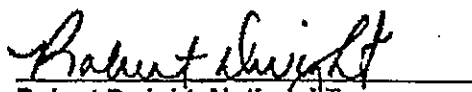

Edward Smith, Presiding Bishop


Theodore Jenkins, Board Member


David S. Johnson, Board Member


Paul C. Johnson, Board Member


Lang Priester, Board Member


Robert Dwight, National Treasurer

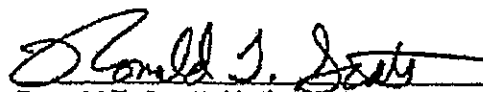

Ronald T. Scott, National Secretary

EXHIBIT 4

Progressive Church of Our Lord Jesus Christ, Inc.

EXECUTIVE RESOLUTION

WHEREAS, the Progressive Church of Our Lord Jesus Christ, Incorporated, adopted an official Church Constitution on August 18, 1983; and

WHEREAS, Article III—Section III of the National Church Constitution of the Progressive Church of Our Lord Jesus Christ provides for a Board of Presbytery to assist and to advise the Board of Bishops;

NOW, THEREFORE, BE IT RESOLVED that the following persons are appointed by the Board of Bishops to serve as members of the Board of Presbytery of the Progressive Church of Our Lord Jesus Christ, Incorporated:

Elder Gerry Bailey
Elder Roy Brockington
Elder Ron Donaldson
Elder Wender Gavin
Elder Robert Mingo
Elder William E. Smith
Elder Woodrow Willingham

BE IT FURTHER RESOLVED that this resolution is adopted on July 7, 2007 and shall become effective immediately. A copy of this resolution, affixed with the seal of the church and the signatures of the above named board members, shall be filed in the archives of the National Church.

Gerry Bailey
Gerry Bailey, Board Member

Roy Brockington
Roy Brockington, Board Member

Ron Donaldson
Ron Donaldson, Board Member

Wender R. Gavin
Wender Gavin, Board Member

Robert Mingo
Robert Mingo, Board Member

William E. Smith
William E. Smith, Board Member

Woodrow Willingham
Woodrow Willingham, Board Member

Edward Smith
Edward Smith, Presiding Bishop

Ronald T. Scott
Ronald T. Scott, National Secretary

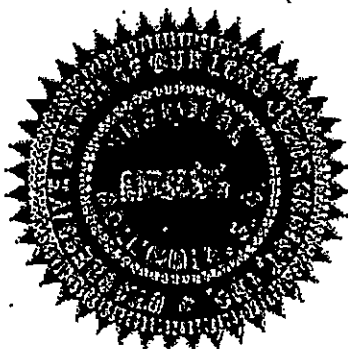


EXHIBIT 5

Leadership & Church Meeting – July 20, 2014

Began: approximately 6:30 p.m.

Ended: approximately 8:30 p.m.

Pastor and Speaker: Elder Ricky Finklea

Scriptures: I Timothy 5:24 and Psalm 91:4-8

1. Lawsuit and Ministerial concerns:

- Anderson lawsuit against Progressive Church
Pastor Anderson is suing the national church because they fired him. He felt that they fire him for exposing what Bishop Priester was doing with the church finances.
- Present allegations-
Two Board of Bishop members are accused of inappropriate conduct with female saints. One bishop is accused of molesting a twelve year old girl. The pastors have asked that the Board of Bishops not conduct the investigations since two members of the board are the accused. The pastors went to the Board of Bishops to address these issues. Their desire is for the Presiding Bishop to remove all of the Board of Bishop members and reestablish the board. They have given him until this Friday (July 25th) to get back with them. This past Friday, the National Church was supposed to go to court, for the Anderson lawsuit, but they were not prepared. It was postponed to August.
- Elder Finklea informed the congregation that he could not and would not serve under leadership that was not living up to the standards of the word of God. He proposed that the congregation grant him permission to separate from Progressive and rename the Church with the establishment of a Trustee Board. There will be a Trustee Board established with the following names for consideration: Elder Finklea, Minister J. Finklea, Deacon Jimmy Searson, Minister A. C. Little and Deacon Willie Glover.
- Elder Finklea stated that there would be a sign-up sheet at the front of the church after the meeting. All saints in favor of separation from Progressive Church and renaming the Church were asked to sign the petition. He stated he would leave the room after the meeting.
- He stressed the urgency of writing by-laws especially because churches were facing issues of same sex marriages.

The following were in attendance:

1. Leanna C. Harry	10. Tajuana Brown	19. Bettina Finklea
2. Marian McClam	11. Tina Boone	20. Harlean Glover
3. Carolyn Pringle	12. Andrew Little	21. Rinesha Finklea
4. Natrone Pringle	13. Louise Mahoney	22. Anna Scott
5. Ruby C. Pringle	14. Gladys Nathaniel	23. Ricky Finklea
6. Celestine Boone	15. Cora L. Baker	24. Angela Issac
7. Edward Boone	16. Elizabeth Little	25. Jimmy Searson Jr.
8. Elease McDaniel	17. Janiece Little	26. Willie Glover
9. Stacy McCray	18. Joshua Finklea	27. Elnita Finklea

Saints & Leadership Meeting - July 20, 2014

1. Leanna C. Harty	21. Harlean Hiebler
2. Marion McClam	22. Rinesha Finkler
3. Carolyn Pringle	23. Anna Scott
4. Natrone Bradley	24. Ruby Filler
5. Ruby C Pringle	25. Angela Hesse
6. Celestin Boone	26. Jimmy Scarsan Jr.
7. Edward Boone	27. Willie Hester
8. Elene McDaniel	28. Elvita B. Fuller
9. Stacy C. Miller	29.
10. Tiquana Brown	30.
11. Tina Boone	31.
12. Andrew ~~Lee~~	32.
13. Louise Makoney	33.
14. Nathaniel Gladys	34.
15. Cara L. Baker	35.
16. Elizabeth Little	36.
17. Janiece Little	37.
18. Joshua Little	38.
19. Bostina Fuller	39.
20. Nathaniel Burns	40.

EXHIBIT 6

January 23, 2015

From: Elder Ricky Finklea
To: Bishop Edward Smith
Board of Bishops

Regretfully and with much prayer and fasting, I along with my congregations (Sumter, Bishopville, Manning and Kingstree S. C.) have come to a decision that I can no longer continue under the leadership and guidance of the Progressive Church. The past few weeks have been an attempt to seek an answer and clarity to the present issues that face the organization. It appears that my attempts are being misunderstood. I support **all of my efforts and attempts** to bring a resolution to all of these issues. I am convinced that these and pass issues need to be addressed if this organization is to go forward. I have individuals in my congregation that have personally been affected and are seeking resolution to these issues. These issues are taking away from my responsibilities as Pastor of the churches the Lord has entrusted to my care. I will refocus my attention and efforts to the best interest of the people that I serve.

It is my prayer that you do not receive this notification as an attempt to belittle the Progressive Church movement. I simply have come to a point in my ministry that I do not think it is in the best interest to continue under this leadership. May it also be clarified that I have no issues with the doctrine. If you feel that it is necessary I will be willing to clarify the specific reasons I have come to this decision.

Even though this separation is difficult for us we have no desire to break our fellowship with the people of this organization. Hopefully we will be received as saints that are striving to serve the same God we grew up believing in. Even though some may not agree with our decision, it is asked that our decision be respected.

(electronic signature)
Elder Ricky Finklea, Pastor
Sumter, Manning, Bishopville, Kingstree S. C.

File/Jan. 23, 2015
CC: Bishop Smith, Board of Bishops
Pastors

EXHIBIT 7

HONOREES & STUDENTS TO BE

RECOGNIZED

Honorary Students

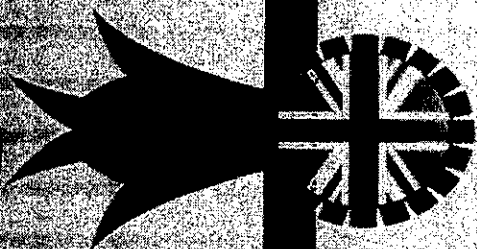
- ❖ Ashlyn Glover
- ❖ John McGary
- ❖ Nathan McGary
- ❖ Alex Lawrence
- ❖ James Watkins
- ❖ Zeph Grimes
- ❖ Bob Johnson
- ❖ Jeffery Geyer
- ❖ Jacob Hollenbeck
- ❖ Scott Smith
- ❖ John Smith

❖ Rimesha Finkler

- ❖ Glenn Hickman
- ❖ Da'Mien Morgan
- ❖ Dv Shun Morgan
- ❖ Senque Robinson

Special Honorees

- ❖ Samuel Smith
- ❖ Kingdon McGary
- ❖ Michael Brown



Edna O. Brown

SERVICE

SEPTEMBER 18, 2015

NEW HOPE APOSTOLIC CHURCH

303 N. GARDEN AVENUE
SUMMIT, NC 28148

Edna O. Brown



Pastor: Elder Ricky Finklea

First Annual Leadership Conference

December 19, 2015
10:00 a.m. - 02:00 p.m.

Conference Registration Form

Name _____

Address _____

City _____ State _____ Zip Code _____

E-Mail Address _____ Phone _____

☐ Male

☐ Female

Check all that apply:

- ☐ Preacher, Pastor, Minister
- ☐ Deacon
- ☐ Secretary/Assistant Secretary
- ☐ Usher
- ☐ Pastor Aid, Hospitality Committee
- ☐ Finance Committee
- ☐ Musician
- ☐ Worship Leader
- ☐ Brotherhood Leader
- ☐ Women Auxiliary Leader
- ☐ Sunday School Teacher/Leader
- ☐ Chair/Co-Chair a Committee
- ☐ Other:



Note: Dinner will be served after the conference

508 N. Main Street Sumter SC 2910

E-mail: pcsumter@yahoo.com

Senior Women's Appreciation Day

Sunday, April 3, 2016

WELCOME!



New Life Apostolic Church

Pastor: Elder Ricky Finklea
508 North Main Street
Sumter SC 29150

New Life Apostolic Church

508 North Main Street Sumter SC 29150

E-Mail: pcsumter@yahoo.com

Church Phone: (803) 883-6954

*Jesus Christ Is
"Restoration"*

Jeremiah 30:17-20

Pastor:

Elder Ricky Finklea

Ministers on Staff:

Minister Joshua D. Finklea

Minister Andrew C. Little, II

Deacons:

Jimmy Searson

Edward Boone

Brotherhood Chairman

Minister Andrew C. Little, II

Women Auxiliary President:

Elnita Finklea

Vice President:

Celestine Boone

Secretary:

Leanna Harry

Youth President:

Minister David J. Finklea



February 23, 2017

Veronica Barrington:

The New Life Apostolic Church is sending these funds in support of relief from hurricane Michael. Dr. Timothy Beard requested we send the funds in your care. We pray that this small symbol of our love will be of help to someone in need. Be blessed!

Elder Ricky Finklea

Elder Ricky Finklea

Pastor



"If It Is To Be It Is Up To Me"



Senior Women
Appreciation Day

April 29, 2018

NEW LIFE APOSTOLIC CHURCH
508 North Main Street
Sumter SC 29150



Rejoicing in the Lord

FOR HE HAS DONE GREAT THINGS

Philippians 4:4

Pastor: Elder Ricky Finklea

EXHIBIT 8

ORDER OF SERVICE

June 28, 2015 ←
4p.m.

Pinning Ceremony Minister Little
 Holy Donnie McClurkin

Selection Bishopville Group

Prayer Bro. Huggins

Scripture

Welcome Sis. Carolyn Pringle

Selection Manning Group

Praise Sis. Louise Mahoney

Selection Bishopville Group

Poem Sis. Angela Isaac

Selection Bishopville Group

Offering
Offeratory Selection
Sis. Ruby Lee Pringle

Announcements

~Special Acknowledgements~

Selection Lugoff Group

Sermon Bishop Theodore Jenkins ←

Closing Remarks, Elder Ricky Finklea
Benediction and
Blessing of Food

~Dinner is Served~
(Lee Carter, Caterer)

*We extend a heartfelt thanks to each of you that have chosen to
share this special day with us! Please keep us in your prayers
that we may continue to be a beacon of light in the city of
Bishopville and beyond.*

First Church Anniversary
of

*New
Life*

APOSTOLIC CHURCH
Bishopville, SC

Elder Ricky Finklea Minister Andrew C. Little II
Pastor *Asst. Pastor*

ROA 00441

EXHIBIT 9

New Life Apostolic Church - Bishopville SC

119 N. Main Street, Bishopville SC 29010

Official 2015 Receipt for Income Tax Purposes

Thank you for your contribution of: **\$25.00**

Receipt No. 2015-00005

Issued on: Jan 15, 2016

Theodore Jenkins (Bishop)

2407 Traux Ln.

Columbia, SC 29204

Ricky Finklea

Pursuant to Internal Revenue Code requirements for substantiation of charitable contributions, no goods or services other than intangible religious benefits were provided in return for the Tax Deductible contributions.

<u>Date</u>	<u>Amount</u>	<u>Category</u>
Jun 28, 2015	\$25.00	Offering

Summary by Category for Theodore Jenkins (Bishop)

<u>Amount</u>	<u>Category</u>
\$25.00	Offering

COPY

ELECTRONICALLY FILED - 2021 May 14 1:26 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

ROA 00443

EXHIBIT 10

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) THIRD JUDICIAL CIRCUIT
 COUNTY OF LEE) 2008-CP-31-0022

Progressive Church of Our Lord,
 Jesus Christ, Inc. By the Board
 Bishops

Plaintiff,

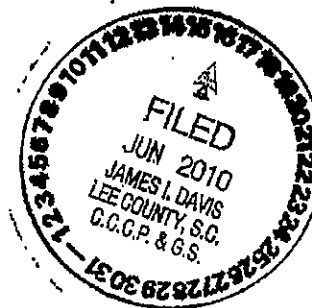
vs.

Elder Roscoe Black, Arthur Alford,
 Williams Stephens, Aquilera Black
 Antonio Black and Aderia Black
 individually and as Trustees for
 Progressive Church of Bishopville

Defendants.

20784

ORDER FOR JUDGMENT



Attorney for Plaintiff: I.S. Leevy Johnson
 Attorney for Defendants: Louis D. Nettles

The matter came before me as Master In Equity for Lee County by a consent Order of Reference from Judge James of the Lee County Court of Common Pleas.

This is a dispute as to the ownership of church property. The Plaintiff is alleged be the Board of Bishops of The Progressive Church of Our Lord Jesus Christ, Inc. Plaintiff claims ownership on behalf of the Progressive Church of Church of Jesus Christ, Inc. The Defendants represent a church congregation now known as the Progressive Church of Bishopville, formerly the local congregation of the Progressive Church of Our Lord Jesus Christ. The Defendants claim

ownership of the funds and land because the funds came from congregation and the land was purchased by the congregation. Defendants have contested the Plaintiff's capacity to sue and claim that Plaintiff is a stranger to the disputed property.

In deciding the case, this Court is guided by the decisions of our Supreme Court. Our Court has recently clarified the law as to church disputes in this State.

We hereby explicitly reaffirm that, when resolving church dispute cases, South Carolina courts are to apply the neutral principles of law approach as approved by the Supreme Court of the *United States* in *Jones v. Wolf*, 443 U.S. 595, 99 S.Ct. 3020, 61 L.Ed.2d 775 (1979), and expressed by this Court in *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996).

All Saints Parish Waccamaw v. Protestant Episcopal Church in Diocese of South Carolina 385 S.C. 428, 685 S.E.2d 163 (S.C.,2009)

- (1) Courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration; (2) courts cannot avoid adjudicating rights growing out of civil law; (3) in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

Pearson v. Church of God, 325 S.C. at 53, 478 S.E.2d at 854 (1996)

Unless there are restrictions by Constitution or bylaws adopted pursuant to such constitution, prohibiting it, a congregation may sever its ties to a church body. *All Saints Parish Waccamaw v. Protestant Episcopal Church in Diocese of South Carolina* 385 S.C. 428, 685 S.E.2d 163 (S.C.,2009)

An unincorporated congregation may own real property. *Jeffery v. Ehrhardt* 210 S.C. 519, 43 S.E.2d 483 (S.C. 1947) and unless prohibited by bylaws or other restrictions has dominion over its property. *Whitmire v. Adams* 273 S.C. 453, 257 S.E.2d 160 S.C., (1979)

Churches are a sub-set of associations and may govern themselves according to such rules as they may adopt as unincorporated associations or may incorporate under applicable laws.

The testimony and evidence before this court shows that prior to 1983 various congregations styled themselves as Progressive Church of Our Lord Jesus Christ and would assemble annually to promote their mutual interests. In 1983 a corporation was created under the name Progressive Church of Our Lord Jesus Christ, Inc and a constitution was adopted. A number of pastors, including Defendant Roscoe Black, signed the Constitution on behalf of their congregations.

That constitution provided that the church would be governed by a Board of Bishops consisting of no less than 3 members (Article III, Section II). The Board of Bishops would have the power to appoint members of a Board of Presbytery. (Section III) Upon a vacancy in the Board of Bishops, the Board of Presbytery would elect new members of the Board of Bishops. (Art. V. Sec. I.) Changes to Church Legislation must be submitted to the Annual Convocation and be approved by the executive body (Art IX Section II). -

Since the death of Bishop Joel Washington in April 1987, Bishop Edward Smith has been the only Bishop. In July 2007, Bishop Smith appointed additional

Bishops to the Board. The additional Bishops were not selected by the Board of Presbytery. Bishop Smith claims authority to appoint Bishops based on an August 13, 1987 resolution. Bishop Smith was the only living Bishop at the time. The Plaintiff claims that in February 1998 the Board of Presbytery adopted a resolution giving interim powers to Bishop Smith. The Constitution does not give the Board of Presbytery the power to amend the Constitution. Although he was a member of the Board of Presbytery, Rev. Black was not notified of the meeting nor did he attend. In 2008 the congregation of the Bishopville church agreed to formally disconnect from the overall church organization.

This Court makes the following findings of fact and conclusion of law based on the evidence.

FINDINGS OF FACT:

1. The is no duly elected Board of Bishops of Progressive Church of Our Lord Jesus Christ, Inc. having the minimum three members necessary to act of behalf of the Church
2. The local Bishopville congregation is an unincorporated association and is the source of the funds for the property located in Lee County.
3. There are no restrictions within the Church Canon governing the ownership of property by a local congregation.
4. The Plaintiff has a no time exercised control over the local congregation as to matters of ownership of real estate or locally raised funds.

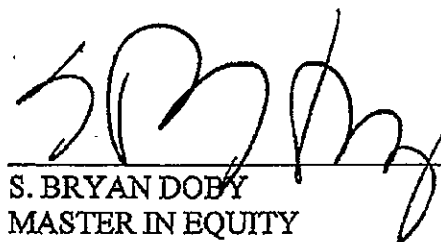
- 5 The Defendants, with the exception of Arthur Alford, are the successors and representatives of the congregation of the Bishopville congregation of Progressive Church of Our Lord Jesus Christ.

CONCLUSIONS OF LAW

1. There being no duly elected Board of Bishops there is no one with authority or standing to bring this action.
2. There are no restrictions on the ownership of real estate or other property by the local congregation.
3. The Bishopville congregation of Progressive Church of Our Lord Jesus Christ disassociated themselves from Progressive Church of Our Lord Jesus Christ, Inc. and there were no lawful restrictions on their ability to do so.

Based on the foregoing, the Complaint is dismissed and the restraining order is dissolved and IT IS

SO ORDERED


S. BRYAN DOBY
MASTER IN EQUITY

At Chambers

June 16, 2020



EXHIBIT 11

Assessor's Endorsement
09/26/2019 10:02:53 AM

Jason H. Bayfield

Auditor's Endorsement
10/01/2019 10:39:22 AM

Laurel A. Belant

1260013897 Pg#
D Book: 1260 Page: 1389 - 1395
September 25, 2019 03:40:28 PM Cons: \$0.00
Rec: \$15.00
E-FILED IN SUMTER COUNTY, SC TOTAL: \$15.00
VICKI M. MCCARTHY - REGISTER OF DEEDS SUMTER COUNTY
BY: VMH

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

DEED OF REAL PROPERTY

KNOW ALL MEN BY THESE PRESENTS, THAT THIS DEED, is executed as of the 20th day of September, 2019 by PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC. (hereinafter referred to as "Grantor") to PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC. (hereinafter referred to as "Grantee"), whose mailing address is 2222-24 Barhamville Road, Columbia, South Carolina 29204.

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is a South Carolina religious non-profit corporation, incorporated on October 5, 1953, and has its corporate headquarters at 2222-24 Barhamville Road, Columbia, South Carolina, 29204; and

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is hierarchical church governed by its Board of Bishops; and

WHEREAS, on October 19, 2004, DOROTHY Z. NEAL AND HETTIE M. MCFADDEN conveyed property to Progressive Church of Our Lord Jesus Christ, Inc. by deed recorded in Deed Book 980, PAGE 37 in the Office of the Register of Deeds for Sumter County; and

WHEREAS, on August 12, 1998, HARRELSON LAND COMPANY conveyed property to The Progressive Church of Our Lord Jesus Christ, Inc., by deed recorded in Book 714, page 585 in the Office of the Register of Deeds for Sumter County; and

WHEREAS, Progressive Church of Our Lord Jesus Christ, Inc. is executing this deed to clarify that title to the Real Property described in EXHIBIT A is to be held in the name of Progressive Church of Our Lord Jesus Christ, Inc. and is also to be held in trust for said Progressive Church of Our Lord Jesus Christ, Inc.; and

WITNESSETH:

IN CONSIDERATION of the sum of Ten Dollars (\$10.00) the receipt and sufficiency of which is acknowledged by Grantor, Grantor has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee all right, title and interest in the following Real Property:

SEE ATTACHED EXHIBIT A

to be held in the name of Progressive Church of Our Lord Jesus Christ, Inc. in trust for said Progressive Church of Our Lord Jesus Christ, Inc.

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING RESTRICTION: The Real Property described in EXHIBIT A shall not hereafter be transferred, sold, pledged, mortgaged, or any security interest otherwise granted therein without the prior written authorization of the Board of Bishops of Progressive Church of Our Lord Jesus Christ, Inc. as evidenced by a duly adopted resolution expressly authorizing the conveyance action with the seal of Progressive Church of Our Lord Jesus Christ, Inc. affixed; which Resolution shall be attached to any such deed, mortgage or other conveyance. Any transfer, sale, pledge, mortgage, or any security interest otherwise granted contrary to this restriction shall be null and void.

TOGETHER with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto;

TO HAVE AND TO HOLD all and singular said property unto Grantee, its heirs, successors and assigns, forever, subject to existing easements and restrictions of record, including matters shown on recorded plats.

(Signatures contained on attached page.)

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed as of the day and year first above written.

Witnesses:

Name: Rose A. Bradock
 Print Name: ROSE A. BRADOCK

Name: Barbara Williams
 Print Name: Barbara Williams

PROGRESSIVE CHURCH OF OUR LORD
 JESUS CHRIST, INC., A SOUTH
 CAROLINA CORPORATION

BY:

Paul Johnson
 BISHOP PAUL JOHNSON,
 SECRETARY OF THE BOARD OF
 BISHOPS OF THE PROGRESSIVE
 CHURCH OF OUR LORD JESUS
 CHRIST, INC.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The foregoing instrument was acknowledged before me, Rose A. Bradock a notary public of the State of S.C. this 20th day of Sept., 2019 by Bishop Paul Johnson, Secretary of the Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Inc. on behalf of said entity.

Rose A. Bradock
 Notary Public for South Carolina
 My Commission Expires: 5-2-2028
 [SEAL]

EXHIBIT A**Tract 1:**

All that certain piece, parcel or lot of land, together with the improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated as Lot No. 20 on the plat prepared by H.S. Wilson, RLS dated September 24, 1981 and recorded in Plat Book Z-45, page 432 in the records of the Register of deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 502 North Main Street, Sumter, SC.

TMS No.: 228-04-02-072

Tract 2:

All that certain piece, parcel or lot of land, together with the improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated as Lot No. 19 on the plat prepared by H.S. Wilson, RLS dated September 24, 1981 and recorded in Plat Book Z-45, page 432 in the records of the Register of deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 504 North Main Street, Sumter, SC.

TMS No.: 228-04-02-071

Tract 3:

All that certain piece, parcel or lot of land, together with any improvements thereon, lying and being situate in the City and County of Sumter, State of South Carolina, being shown and delineated on that plat prepared by H. S. Wilson, RLS, dated August 19, 1972 and recorded in Plat Book Z-36 at page 128 in the records of the Register of Deeds Office for Sumter County. Aforesaid plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is made in lieu of metes and bounded as permitted by law under §30-5-250 of The Code of Laws of South Carolina (1976), as amended. This is the property known as 508 North Main Street, Sumter, SC.

TMS No.: 228-04-02-067

The above tracts 1, 2 and 3 being the same property conveyed to Progressive Church of Our Lord Jesus Christ, Inc. by Dorothy Z. Neal and Hettie M. McFadden, dated October 19, 2004 and recorded on May 10, 2005 in Book 980, page 37 in the Office of the Register of Deeds for Sumter County.

Tract 4:

All that certain piece, parcel or lot of land, with any improvements thereon, situate, lying and being on the southwestern corner of Crescent Avenue and North Main Street in the City and County of Sumter, State of South Carolina, being shown as Parcel A on a Plat showing lots to be conveyed to the Progressive Church of Our Lord Jesus Christ, Inc. Said Parcel A is composed of lots known as 219 Crescent Avenue, being the western portion of Lots 14 and 15 and Parcel known as 516 North Main Street, being the eastern portion of the original lots 14 and 15, shown on a plat recorded in Plat Book Z-11 at page 24 and Parcel known as 512 and 514 North Main Street, Being shown as Lots A and C on a plat recorded in Plat Book G-5, page 171. Said parcels are shown together as Parcel "A" on a plat prepared for Progressive Church of Our Lord Jesus Christ by Black River Land Surveying dated August 8, 1998 and recorded in Plat Book 98 at page 940 in the Office of Sumter County Register of Deeds and said lot having the boundaries and dimensions as shown on said plat which are incorporated herein by reference.

TMS No.: 228-04-02-056

Tract 4 being the same property conveyed to The Progressive Church of Our Lord Jesus Christ, Inc. by Harrelson Land Company dated August 10, 1998 and recorded on August 12, 1998 in Book 714, page 585 in the Office of the Register of Deeds for Sumter County.

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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 properties being transferred are located on 502, 504 and 508 North Main Street and 219 Crescent Avenue, Sumter County Tax Map Numbers: 228-04-02-072, 228-04-02-071, 228-04-02-067, and 228-04-02-056 were transferred by Progressive Church of Our Lord Jesus Christ, Inc. to Progressive Church of Our Lord Jesus Christ, Inc. on September 28 2019.

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.

(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.

(c) xx exempt from the deed recording fee because (See Information section of affidavit): (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantees, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;

(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?

Check Yes ☐ or No ☐

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):

(a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of

(b) _____ The fee is computed on the fair market value of the realty which is _____.

(c) The fee is computed on the fair market value of the realty as established for property tax purposes which is

5. Check Yes ___ or No xx to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is:

6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here: _____

(b) Place the amount listed in item 5 above here: _____

(If no amount is listed, place zero here.)

(c) Subtract Line 6(b) from Line 6(a) and place result here:

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$0.

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

9. I understand that a person required to furnish this affidavit who wilfully 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.

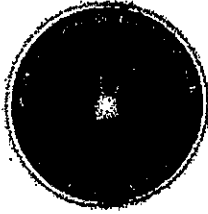
PROGRESSIVE CHURCH OF OUR LORD
JESUS CHRIST, INC.

BY: [Signature]
Its: Secretary of Board

SWORN to and subscribed before me this
28th day of September, 2019

[Signature]
Notary Public for South Carolina
My Commission Expires: 10/08/20
Benford W. Hanks
Notary (printed name):

EXHIBIT 12



PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.
2222-24 Barhamville Road
Columbia, South Carolina 29204
Phone: 803.254.6106 Fax: 803.256.0420
Email: ProgressiveChurchHQ@sc.rr.com

December 11, 2020

VIA PERSONAL DELIVERY

Elder Ricky Finklea
2135 N. Main Street
Sumter, South Carolina 29150

RE: Notice of Ecclesiastical Trial Results and Action Required

Dear Elder Finklea,

Greetings in the name of our Lord Jesus Christ. I write to you on behalf of the Board of Bishops of the Progressive Church of Our Lord Jesus Christ, Inc. ("Progressive Church"). As you know, in 2003 the Progressive Church ordained you an Elder and appointed you as Pastor of our Sumter Congregation. We have great love for the saints in Sumter, South Carolina, some of whom have worshiped at the Progressive Church for many years.

Over the past several years, the Board of Bishops has addressed concerns regarding your failure to honor, respect, and obey the leadership of the Progressive Church. We have repeatedly addressed these concerns with you privately and publicly, according to the Word of God, and you have refused to comply. In fact, when our late Presiding Bishop Edward Smith openly rebuked you and other clergy during a national ministerial meeting, you were the only member of the clergy to angrily walk out of the meeting while disrespectfully shouting to Bishop Smith that you are "not a coward." You have continued such open disrespect and defiance, culminating with your recent placement of a new sign displaying, "New Life Apostolic Church," on property in Sumter, South Carolina owned by the Progressive Church.

Over a year ago, on December 6, 2019, the Board of Bishops conducted an Ecclesiastical Trial, according to our Church Constitution, involving several Accusations and Charges of Improper Conduct against you. Although you received documented notice of the Ecclesiastical Trial, you failed to attend as required by the Board of Bishops and provided no explanation for your absence. In accordance with the spiritual authority conferred by the Word of God in Matthew 18:18 and Romans 16:17-18 and in accordance with Article VIII, Section I of our Church Constitution, the Board of Bishops determined that reasonable grounds existed for all Accusations and Charges of Improper Conduct against you. In spite of this, we continued to prayerfully exercise patience hoping that you would repent of your actions. Unfortunately, you did not. Instead, you recently expressed that you no longer consider yourself to be a part of the Progressive Church. Accordingly, the Board of Bishops has decided that all ministerial credentials issued to you by the Progressive Church to function in any office of the clergy are revoked effective immediately.

ELECTRONICALLY FILED - 2021 May 14 1:26 PM - SUMTER - COMMON PLEAS - CASE#2020CP4301863

ROA 00459

Letter to Elder Ricky Finklea
 December 11, 2020
 Page 2

By December 31, 2020, you must vacate the Progressive Church's property in Sumter, South Carolina and remove all your personal belongings. The Progressive Church paid the full purchase price for our church property in Sumter, South Carolina from the National Church Mission Fund. Your new organization, "New Life Apostolic Church, Inc.," neither has permission nor legal rights to use or occupy the Progressive Church's property. The Board of Bishops will separately communicate with saints of the Sumter Congregation about plans to continue ministry services for them at the Progressive Church in Sumter, South Carolina. We are committed to do all that is necessary to support the saints in Sumter who desire to remain faithful to the Progressive Church. The Progressive Church will also take action to remove and replace the signage you have improperly placed on its property.

We deeply regret the need for these actions. Proverbs 6:16, 19 warns us, "[t]hese six things doth the LORD hate: yea, seven are an abomination unto him ... he that soweth discord among brethren." The Progressive Church has long withheld disciplinary action while you have continued to sow seeds of discord, disrespect, and division among the clergy and the saints. Our patience has reached its end, and your actions will no longer be tolerated. You have unquestionably hindered the ministry of the Progressive Church and have distracted some from the true mission of the church, which is the saving of souls.

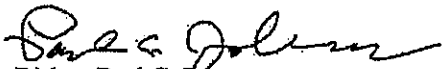
If you desire to remain with the Progressive Church, the Board of Bishops is open to that option and willing to discuss with you any disciplinary action and next steps it determines to be appropriate. A response from you is therefore required by **December 18, 2020** on the following options:

1. If you chose to remain with the Progressive Church, you must immediately meet with the Board of Bishops to discuss your status with the church and next steps, including any disciplinary action decided upon by the Board.
2. If you chose to continue your separate ministry as New Life Apostolic Church, Inc., you must personally vacate the Progressive Church's property in Sumter, South Carolina by December 31, 2020.

Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board's decision that you vacate the Progressive Church's property in Sumter, South Carolina by December 31, 2020.

If you have questions, you may email them to BoardofBishops@sc.rr.com.

Christ's Servant,


 Bishop Paul C. Johnson
 Secretary of the Board of Bishops

cc: Board of Bishops

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc. and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-4301863

AFFIDAVIT OF ANDREW LITTLE

I, Andrew Little, having been duly sworn, depose and say the following:

1. I am over the age of eighteen (18) and I am a resident of Sumter, South Carolina, and I have personal knowledge of, and am competent to swear to, the facts set forth in this affidavit.
2. I am a member of the New Life Apostolic Church ("NLAC") in Sumter, South Carolina.
3. I have been a member of the NLAC since it was founded in 2014.
4. Prior to the formation of the NLAC, I was a member of the Progressive Church in the Sumter Congregation.
5. I joined the Progressive Church in early childhood and disassociated from the Progressive Church in 2014.
6. I disassociated from the Progressive Church because leaders within the Progressive Church were not adhering to principles that they preached. Among other things,

there were several credible accusations made against Progressive Church leaders regarding improprieties involving Progressive Church funds and improper relationships.

7. On July 20, 2014, Ricky Finklea, who was the Pastor for the Sumter Congregation, called a meeting of the Sumter Congregation. I was present at the meeting. During the meeting, we discussed concerns relating to the leadership of the Progressive Church and Pastor Finklea informed us that he was disassociating from the Progressive Church. He then offered us the option of disassociating from the Progressive Church. He then left the meeting room and left a petition for those who wanted disassociate. I signed the petition and so did the vast majority of the Sumter Congregation. Attached hereto as Exhibit 1 is a copy of the petition.

8. After the disassociation, Pastor Finklea and I, along with the members of the Sumter Congregation, formed a successor church, New Life Apostolic Church, which we incorporated in December of 2014.

9. Since its establishment in 2014, NLAC has grown from thirty members to over one hundred members.

10. From its inception, NLAC has operated openly as a separate and distinct church from the Progressive Church. Each Sunday prior to Covid we held church services which were open to visitors. In these services and in all our notices, bulletins, and other church publications we have referred to ourselves as the NLAC.

11. Since the founding of the NLAC, Pastor Finklea has been open and apparent that he is the Pastor of NLAC and no longer part of the Progressive Church.

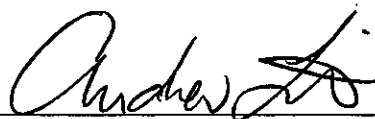
12. I have attended numerous church events involving Pastor Finklea since 2014, probably in excess of one hundred, and he has always identified himself as the Pastor of NLAC.

13. I remained in fellowship with many Progressive Church members after my disassociation. The disassociation of the Sumter Congregation and Pastor Finklea was common knowledge among Progressive Church members immediately after it occurred. In my opinion, it would be disingenuous for anyone within the Progressive Church, particularly anyone in church leadership, to claim that they did not know Pastor Finklea has formed a separate church in 2014.

14. On June 28, 2015, I attended a NLAC church service held at 119 N. Main Street in Bishopville, South Carolina. Theodore Jenkins, who is a pastor and bishop in the Progressive Church, gave the sermon at this NLAC church service. A program for the service was distributed to all who attended, including to Jenkins and me. The program identifies the church as "New Life Apostolic Church", the pastor as "Ricky Finklea", and it lists "Bishop Theodore Jenkins" as providing the sermon. Attached hereto as Exhibit 2 is a copy of the June 28, 2015 NLAC Church Service Program.

15. During his sermon at the NLAC church service on June 28, 2015, Jenkins acknowledged the Sumter Congregation's disassociation from the Progressive Church. Jenkins told the congregation that he was still brothers with Pastor Finklea, even though they were no longer a part of the same church. He stated they both have the same Father, Jesus Christ, and that made them brothers.

FURTHER AFFIANT SAYETH NOT



Andrew Little

SWORN to before me this 13th day
of May, 2021

Deborah C. Calhoun
Notary Public for South Carolina

My Commission Expires: _____

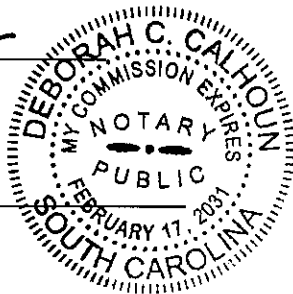


EXHIBIT 1

Leadership & Church Meeting – July 20, 2014

Began: approximately 6:30 p.m.

Ended: approximately 8:30 p.m.

Pastor and Speaker: Elder Ricky Finklea

Scriptures: I Timothy 5:24 and Psalm 91:4-8

1. Lawsuit and Ministerial concerns:

- Anderson lawsuit against Progressive Church
Pastor Anderson is suing the national church because they fired him. He felt that they fire him for exposing what Bishop Priester was doing with the church finances.
- Present allegations-
Two Board of Bishop members are accused of inappropriate conduct with female saints. One bishop is accused of molesting a twelve year old girl. The pastors have asked that the Board of Bishops not conduct the investigations since two members of the board are the accused. The pastors went to the Board of Bishops to address these issues. Their desire is for the Presiding Bishop to remove all of the Board of Bishop members and reestablish the board. They have given him until this Friday (July 25th) to get back with them. This past Friday, the National Church was supposed to go to court, for the Anderson lawsuit, but they were not prepared. It was postponed to August.
- Elder Finklea informed the congregation that he could not and would not serve under leadership that was not living up to the standards of the word of God. He proposed that the congregation grant him permission to separate from Progressive and rename the Church with the establishment of a Trustee Board. There will be a Trustee Board established with the following names for consideration: Elder Finklea, Minister J. Finklea, Deacon Jimmy Searson, Minister A. C. Little and Deacon Willie Glover.
- Elder Finklea stated that there would be a sign-up sheet at the front of the church after the meeting. All saints in favor of separation from Progressive Church and renaming the Church were asked to sign the petition. He stated he would leave the room after the meeting.
- He stressed the urgency of writing by-laws especially because churches were facing issues of same sex marriages.

The following were in attendance:

1. Leanna C. Harry	10. Tajuana Brown	19. Bettina Finklea
2. Marian McClam	11. Tina Boone	20. Harlean Glover
3. Carolyn Pringle	12. Andrew Little	21. Rinesha Finklea
4. Natrone Pringle	13. Louise Mahoney	22. Anna Scott
5. Ruby C. Pringle	14. Gladys Nathaniel	23. Ricky Finklea
6. Celestine Boone	15. Cora L. Baker	24. Angela Issac
7. Edward Boone	16. Elizabeth Little	25. Jimmy Searson Jr.
8. Elease McDaniel	17. Janiece Little	26. Willie Glover
9. Stacy McCray	18. Joshua Finklea	27. Elnita Finklea

Saints & Leadership Meeting - July 20, 2014

1. Leanna C. Harty	21. Harlean Hester
2. Marion McClam	22. Rinesha Finkler
3. Carolyn Pringle	23. Anna Scott
4. Matrone Bralley	24. Ruby Fink
5. Ruby C Pringle	25. Angela Hester
6. Celestin Boone	26. Jimmy Scarsan Jr.
7. Edward Boone	27. Willie Hester
8. Elene M. Daniel	28. Elvita B. Fuller
9. Mary C. McLean	29.
10. Tiquana Brown	30.
11. Tina Boone	31.
12. Andrew Hester	32.
13. Louise McKone	33.
14. Nathaniel Gladys	34.
15. Cara L. Baker	35.
16. Elizabeth Little	36.
17. Jamie Little	37.
18. Joshua Little	38.
19. Boethia Fuller	39.
20. Nathaniel Burns	40.

EXHIBIT 2

ORDER OF SERVICE

June 28, 2015 ←

4p.m.

Pinning Ceremony Minister Little
Holy Donnie McClurkin

Selection Bishopville Group

Prayer Bro. Huggins

Scripture

Welcome Sis. Carolyn Pringle

Selection Manning Group

Praise Sis. Louise Mahoney

Selection Bishopville Group

Poem Sis. Angela Isaac

Selection Bishopville Group

Offering
Offeratory Selection
Sis. Ruby Lee Pringle

Announcements

~Special Acknowledgements~

Selection Lugoff Group

Sermon Bishop Theodore Jenkins ←

Closing Remarks, Elder Ricky Finklea
Benediction and
Blessing of Food

-Dinner is Served-
(Lee Carter, Caterer)

*We extend a heartfelt thanks to each of you that have chosen to
share this special day with us! Please keep us in your prayers
that we may continue to be a beacon of light in the city of
Bishopville and beyond.*

First Church Anniversary
of

New
Life

APOSTOLIC CHURCH
Bishopville, SC

Elder Ricky Finklea Minister Andrew C. Little II
Pastor Asst. Pastor

ROA 00469

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc. and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-4301863

AFFIDAVIT OF JAMES ROBINS

I, James Robins, having been duly sworn, depose and say the following:

1. I am over the age of eighteen (18) and I am a resident of Columbia, South Carolina, and I have personal knowledge of, and am competent to testify to, the facts set forth in this affidavit.
2. I am an Elder in the Progressive Church of Our Lord Jesus Christ ("Progressive Church").
3. Prior to joining the Progressive Church, I was a minister at Christ Temple in Detroit, Michigan.
4. I moved from Detroit to South Carolina in 1988 and joined the Progressive Church sometime in 2000.
5. Bishop Edward Smith, who was the leader of the Progressive Church, re-ordained me in 2001 at the Annual Progressive Church Convocation and appointed me as an Elder.
6. I spent approximately eight (8) years serving as an associate pastor for the Progressive Church for the local congregation in Lugoff, South Carolina.

7. Since being appointed as an Elder in the Progressive Church, I have attended numerous meetings involving Progressive Church leadership, including meetings with bishops, elders, and pastors.

8. In 2014, there were several meetings with bishops, elders, and pastors where concerns regarding misconduct involving church finances and improper relationships among members were discussed. Several pastors, including Ricky Finklea ("Finklea"), who was the Pastor of the Sumter Congregation at that time, raised concerns about these issues and about how the Progressive Church was being led.

9. When the concerns were not addressed, Finklea and the members of the Sumter Congregation decided to disassociate from the Progressive Church and form a successor church, the New Life Apostolic Church ("NLAC") in Sumter.

10. In 2014, Finklea announced the disassociation to pastors, elders and ministers within the Progressive Church and it was discussed frequently among Progressive Church leaders and members.

11. As an elder in the Progressive Church, I am well aware of the Sumter Congregation's disassociation in 2014 and the formation of the NLAC as these matters are, and have been, common knowledge among Progressive Church members.

12. I have been to the Sumter Property to church services held by the NLAC. The services are open, and it is clear that the NLAC is separate and distinct from the Progressive Church and that Ricky Finklea is NLAC's pastor.

13. I have also been to many Progressive Church meetings, including national leadership meetings, from 2014 to the present. During this time, Finklea has not claimed to be a

pastor in the Progressive Church. He has always been open and transparent with respect to his position as pastor of NLAC and his disassociation from the Progressive Church.

14. Due to the frequent and numerous discussions of the disassociation among Progressive Church members at meetings, I firmly believe that all Progressive Church leaders, including all pastors, elders, and bishops, have been aware of the disassociation of Finklea and the Sumter Congregation, and of the formation of NLAC, since 2014.

15. As an Elder in the Progressive Church, I am familiar with, and knowledgeable of, the Church Constitution and its provisions, including the provisions relating the Board of Bishops.

16. The Church Constitution provides that: "Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery." Church Constitution, Article V, Section I. Further, the only process identified in the Church Constitution for filling vacancies on the Board of Bishops is an election with the members of the Board of Presbytery voting. Id.

17. The Progressive Church members who currently claim to be the Board of Bishops, Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson, were not appropriately appointed under the Church Constitution.

18. In May of 2007, Bishop Edward Smith, who was the Presiding Bishop and only Bishop on the Board of Bishops, unilaterally appointed Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson to the Board of Bishops without having the constitutional authority to do so. Further, Paul Johnson was not a member of the Board of Presbytery and no election of the Board of Presbytery was held in May of 2007.

19. Given that the additional bishops (Jenkins, Priester, David Johnson and Paul Johnson) were not appointed in accordance with the Church Constitution, it was my understanding, and the understanding of many other Progressive Church members and leaders, that the additional

bishops served in an advisory role only and that Bishop Smith was the sole decision-maker for the Progressive Church as he had been for the previous twenty (20) years.

20. This understanding was confirmed in a lawsuit in State Court. On June 16, 2010, in the South Carolina Court of Common Pleas, Third Judicial District, Judge S. Bryan Doby issued an Order for Judgment which included, among other things, a finding that Bishop Smith's appointment of the additional bishops did not constitute appointments to the Board of Bishops because the appointments were not made in accordance with the Church Constitution.

21. The Progressive Church appealed the Order of Judgment to the South Carolina Court of Appeals, and on March 28, 2012, the Court of Appeals affirmed Judge Doby's Order of Judgment.

22. In February of 2019, four Progressive Church members met claiming to hold a meeting of the Board of Presbytery. The four members were Theodore Jenkins, Lang Priester, David S. Johnson, Sr., and Robert Mingo. However, only one of them, Robert Mingo, was a member of the Board of Presbytery at the time of the meeting. The meeting was not announced to the pastors and elders in the Progressive Church and was held in secret. Other than Mingo, none of the other seven members of the Board of Presbytery were invited to the meeting. Jenkins, Priester, David Johnson, and Mingo acted of their own accord in holding and conducting the meeting and did not seek any input from other Progressive Church leaders or members.

23. During the meeting, Jenkins, Priester, David Johnson, and Mingo voted to elect two of them, Jenkins and Priester, to the Board of Bishops. That same day, the "newly elected" Board of Bishops adopted a resolution appointing David Johnson and Paul Johnson to serve as additional members on the Board of Bishops.

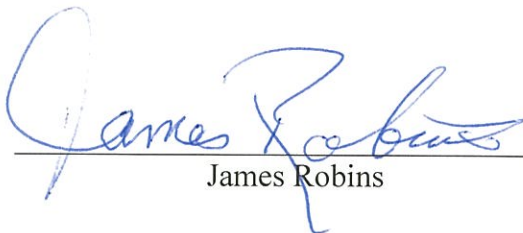
24. Following the meeting, the “newly elected” Board of Bishops disclosed the events that occurred at the meeting (*i.e.*, the “election” and “additional appointments”) to the Progressive Church pastors and elders. We were told that these events made it so that the appointments of Jenkins, Priester, David Johnson and Paul Johnson to the Board of Bishops were now official and in accordance with the Church Constitution.

25. Based on my understanding of the Church Constitution, the appointments to the Board of Bishops made in February of 2019 are not valid. The meeting in February 2019 was not a meeting of the Board of Presbytery because the members of the Board of Presbytery, except for Mingo, were not invited or present. As such, the purported election is null and void.

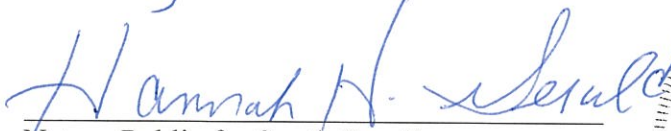
26. Further, the Church Constitution does not grant the authority to the Board of Bishops to add members by their own resolution.

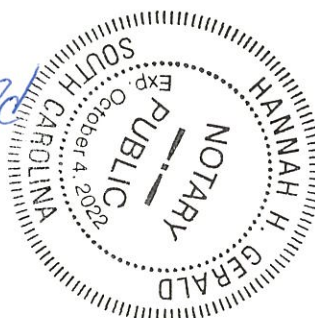
27. In addition, because the Church Constitution provides that positions on the Board of Bishops shall be filled by members from the Board of Presbytery, Paul Johnson, who never served on the Board of Presbytery, could not be appointed to the Board of Bishops.

FURTHER AFFIANT SAYETH NOT.


James Robins

SWORN to before me this 11th day
of May, 2021


Notary Public for South Carolina



My Commission Expires: _____

My Commission Expires October 4, 2022

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc. and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-4301863

AFFIDAVIT OF TIMOTHY L. BEARD

I, Timothy L. Beard, having been duly sworn, depose and say the following:

1. I am over the age of eighteen (18) and I am a resident of Spring Hill, Florida and I have personal knowledge of, and am competent to swear to, the facts set forth in this affidavit.
2. I am an Elder and a Pastor in the Progressive Church of Our Lord Jesus Christ ("Progressive Church").
3. I am also the President of Pasco-Hernando State College in New Port Richey, Florida.
4. I have been a member of the Progressive Church since 1985.
5. I was ordained as a Minister and Elder in the Progressive Church by Presiding Bishop Edward Smith in 1991.
6. In 2012, Bishop Smith appointed me as Pastor of the St. Petersburg (Fla.) Congregation of the Progressive Church.
7. In 2014, Ricky Finklea announced to me and other pastors, elders and ministers within the Progressive Church that he and the Sumter Congregation has disassociated from the

Progressive Church. He also informed us of the formation of the New Life Apostolic Church in Sumter, South Carolina.

8. Thereafter, on several occasions, I discussed the disassociation and the NLAC with other Progressive Church leaders. The disassociation of the Sumter Congregation, and the formation of the NLAC as the successor church, were common knowledge among Progressive Church leaders, which includes ministers, pastors, elders, and bishops.

9. I have been to many Progressive Church meetings, including national leadership meetings, from 2014 to the present, and during this time period Finklea has not held himself out to be a pastor in the Progressive Church. He has always been open and transparent with respect to his position as Pastor of NLAC and his disassociation from the Progressive Church.

10. As an Elder and Pastor in the Progressive Church, and as a member of the Progressive Church since 1985, I have extensive knowledge of the Progressive Church Constitution and its provisions, including the provisions relating the Board of Bishops.

11. The Progressive Church leadership has acted outside of the Church Constitution for over thirty-two years with respect to the Board of Bishops.

12. The Article III, Section II of the Church Constitution requires that there be no less than three (3) members on the Board of Bishops. However, starting in 1988, Bishop Smith served as the only member of the Board of Bishops.

13. In May of 2007, Bishop Smith made unilateral appointments to the Board of Bishops without having the authority to do so.

14. Given that the appointments were not made in accordance with the Church Constitution, it was my understanding, and the understanding of many other Progressive Church members and leaders, that Bishop Smith had only appointed an advisory council and that Bishop

Smith was the sole decision-maker for the Progressive Church as he had been for the previous twenty (20) years.

15. This understanding regarding the governance of the Progressive Church was confirmed in court. On June 16, 2010, in the South Carolina Court of Common Pleas, Third Judicial District, Judge S. Bryan Doby issued an Order for Judgment which included, among other things, a finding that Bishop Smith's appointment of the additional bishops did not constitute appointments to the Board of Bishops because the appointments were not made in accordance with the Church Constitution.

16. The Progressive Church appealed the Order of Judgment to the South Carolina Court of Appeals, and on March 28, 2012, the Court of Appeals affirmed Judge Doby's Order of Judgment.

17. Following the Order of Judgment, Bishop Smith continued to be the sole decision-maker and executive leader of the Progressive Church. Everybody in the Progressive Church knew that Bishop Smith had the final say with respect to both ecclesiastical and secular matters involving the Progressive Church.

18. In February of 2019, the individuals who had been inappropriately appointed by Bishop Smith in 2007 attempted to legitimize themselves as a "governing board". They held a secret meeting that included Robert Mingo and they claimed that the meeting was a meeting of the Board of Presbytery. However, only Robert Mingo was a member of the Board of Presbytery at the time of the meeting. Robert Mingo, along with Wender Gavin, William Smith, Woodrow Willingham, Gerry Bailey (deceased), Roy Brockington, and Ron Donaldson were appointed in 2007 by Bishop Smith to serve on the Board of Presbytery. These members (Except Gerry Bailey and Ronald Donaldson) were serving on the Board of Presbytery in February 2019. None of these members were contacted nor attended the February 2019 meeting. There is no evidence they, nor

the general Church members, were aware of the meeting. There is no record indicating the membership of the 2007 appointed Board of Presbytery was revoked or suspended. There is no evidence to indicate in the Church's Constitution that allows for two Board of Presbytery to exist simultaneously. During the private meeting in 2019, four individuals, Theodore Jenkins, Lang Priester, David Johnson, and Mingo voted to elect Jenkins and Priester to the Board of Bishops. Then, this "newly elected" Board of Bishops adopted a resolution appointing David Johnson and Paul Johnson to serve as additional members on the Board of Bishops.

19. Following the secret meeting, it was announced to pastors and elders in the Progressive Church, including me, that the appointments of Jenkins, Priester, David Johnson and Paul Johnson to the Board of Bishops were now official and made in accordance with the Church Constitution.

20. These claims of legitimacy are not accurate. Under the Church Constitution, the appointments to the Board of Bishops made in February of 2019 are not valid. The meeting in February 2019 was not a meeting of the Board of Presbytery because the members of the Board of Presbytery were not invited or present. As a result, the appointments were not made pursuant to an election by Board of Presbytery members. Further, the Church Constitution does not grant the authority to the Board of Bishops to add members by their own resolution. In addition, because the Church Constitution provides that positions on the Board of Bishops shall be filled by members from the Board of Presbytery, Paul Johnson, who never served on the Board of Presbytery, could not be appointed to the Board of Bishops.

21. Also, in 1983 when the Progressive Church was established, it indicated all of its requirements were not fulfilled. They have never been fulfilled. The so called original Board of Presbytery had members that were not qualified to serve when they were appointed in 1984. Namely, the Chairman Joseph Williams, and David Johnson. Both members had not been ordained

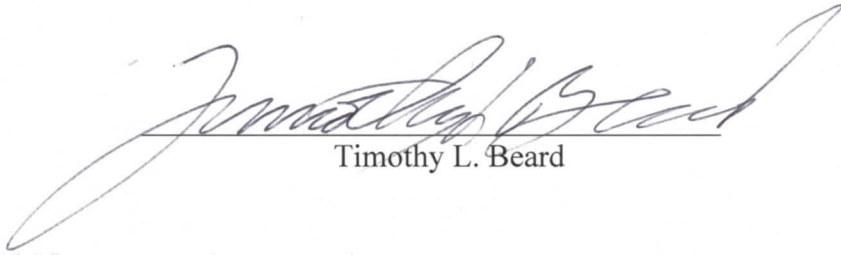
original Board of Presbytery had members that were not qualified to serve when they were appointed in 1984. Namely, the Chairman Joseph Williams, and David Johnson. Both members had not been ordained as elders for three years, as required by the Church Constitution, to become members of the Board of Presbytery.

22. With respect to church property, local congregations are responsible for the costs, maintenance and upkeep of the property.

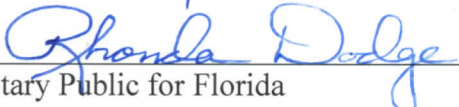
23. The Church Constitution does not provide for placement of any local congregation property into a trust for the Progressive Church.

24. Prior to the unconstitutional Board of Bishops appointments in 2019, local congregations that left the Progressive Church formed successor churches, and the successor churches kept the local congregation property. Examples include local congregations in Atlanta, Georgia, and in Florence, South Carolina. In addition, in the Bishopville case ownership of local congregation property was litigated and the local congregation in Bishopville prevailed.

FURTHER AFFIANT SAYETH NOT


Timothy L. Beard

SWORN to before me this 11th day
of May, 2021


Notary Public for Florida



My Commission Expires: 2.23.24

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

New Life Apostolic Church, Inc. and Ricky Finklea

Plaintiffs,

v.

Progressive Church of Our Lord Jesus Christ, Inc., Theodore Jenkins, Sr., Lang Priester, David S. Johnson, Sr., and Paul C. Johnson

Defendants.

IN THE COURT OF COMMON PLEAS FOR
THE THIRD JUDICIAL CIRCUIT

C.A. No.: 2020-CP-4301863

**AFFIDAVIT OF RICKY FINKLEA
SUBMITTED IN RESPONSE TO
DEFENDANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT**

I, Ricky Finklea, having been duly sworn, depose and say the following:

1. I am over the age of eighteen (18) and I am a resident of Sumter, South Carolina, which is located in Sumter County.
2. I am currently the Pastor of New Life Apostolic Church, Inc. ("NLAC"), which is located at 219 Crescent Avenue, and 502, 504 and 508 North Main Street in Sumter, South Carolina (collectively referred to as "the Property").
3. Prior to the formation of NLAC, I was the pastor of the Sumter Congregation of the Progressive Church of Our Lord Jesus Christ ("Progressive Church").
4. I became a member of the Progressive Church in 1977.
5. On August 18, 1983, the Progressive Church adopted its Church Constitution as its governing document. To my knowledge the Church Constitution has not been amended or replaced and remains the authoritative document relating to the governance of the Progressive Church. A copy of the Church Constitution is attached as Exhibit 1.

6. The Church Constitution provides that: “The Progressive Church of Our Lord Jesus Christ, Inc. shall be governed by a Board of Bishops which shall at no time consist of less than three (3) members. . . .” Church Constitution, Article III, Section II.

7. The Church Constitution also provides that: “Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery.” Church Constitution, Article V, Section I.

8. The only mechanism identified in the Church Constitution for filling vacancies on the Board of Bishops is through an election by the Board of Presbytery. Church Constitution, Article V, Section I.

9. At the time of the adoption of the Church Constitution there were three bishops: Joel G. Washington, who was Presiding Bishop; Bishop Edward Smith; and Bishop Henry J. Breakfield.

10. By 1988, Bishop Washington and Bishop Breakfield had both passed away and Bishop Smith was the sole remaining Bishop. Although the Church Constitution required at least three members on the Board of Bishops, the two vacancies were not filled and Bishop Smith served as the Presiding Bishop with no other Bishops on the Board of Bishops.

11. In February of 1988, the Progressive Church’s Board of Presbytery adopted a resolution granting Bishop Smith executive authority to operate the day-to-day operations of the Progressive Church. Attached hereto as Exhibit 2 is a copy of the resolution.

12. As the Presiding Bishop and only Bishop on the Board of Bishops, and under the authority granted by the 1988 resolution, Bishop Smith served in an executive role for the Progressive Church for decades acting on behalf of the organization in business and transactional matters.

13. I was ordained as a minister in the Progressive Church in July of 1993.

14. In the early part of 2000, Bishop Smith assigned me to the Progressive Church's Sumter Congregation to work as an Assistant Pastor under the guidance of David S. Johnson. At that time, the Sumter Congregation had only three (3) members and was holding church services in a 25 by 50 foot building located at 219 Crescent Avenue in Sumter.

15. In July of 2003, I was ordained as an Elder in the Progressive Church.

16. In August of 2003, Bishop Smith appointed me as the Pastor of the Sumter Congregation. I do not recall signing any statement regarding my appointment as pastor or any "Ministerial Reaffirmation Statement".

17. On May 26, 2007, Bishop Smith issued an executive resolution wherein he unilaterally, and in contradiction to the Church Constitution, appointed four (4) additional bishops: Theodore Jenkins; Lang Priester; David S. Johnson; and Paul C. Johnson ("Individual Defendants"). A copy of the Executive Resolution with the unilateral appointments is attached hereto as Exhibit 3.

18. The Church Constitution provides that the Progressive Church's Board of Presbytery is appointed by the Board of Bishops. Church Constitution, Article III, Section III.

19. On July 7, 2007, Bishop Smith, who was the only constitutionally appointed member of the Board of Bishops, along with the unconstitutionally appointed Bishops, designated the following persons to serve as the Board of Presbytery: Elder Gerry Bailey, Elder Roy Brockington, Elder Ron Donaldson, Elder Wender Gavin, Elder Robert Mingo, Elder William E. Smith, and Elder Woodrow Willingham. A copy of the Executive Order appointing the members of the Board of Presbytery is attached hereto as Exhibit 4.

20. Following the unconstitutional appointments in 2007, the Sumter Congregation and I became concerned about the Progressive Church's leadership. Among other things, we were concerned because there were several accusations made regarding improprieties involving Progressive Church funds and improper relationships.

21. Between 2007 and 2014, I spoke with Bishop Smith on behalf of the Sumter Congregation about the concerns on several occasions but unfortunately, these conversations did not lead to a resolution acceptable to me or the Sumter Congregation.

22. As a result, on July 20, 2014, I held a meeting for the Sumter Congregation. We discussed concerns relating to the leadership of the Progressive Church and I informed the congregation that I was disassociating from the Progressive Church. I then offered the members of the Sumter congregation the option of disassociating from the Progressive Church. I left the meeting room and told the congregation that those who wanted disassociate should sign a petition I left at the door. Over ninety percent (90%) of the Sumter Congregation signed the petition. A copy of the documentation from the Sumter Congregation meeting on July 20, 2014, which includes meeting minutes and a petition, is attached hereto as Exhibit 5.

23. Following the meeting on July 20, 2014, I informed Joseph D. Williams, the District Bishop who presided over the district that included Sumter, of the Sumter Congregation's decision to disassociate from the Progressive Church.

24. Shortly thereafter, Bishop Williams told me that he informed Bishop Smith of the disassociation of the Sumter congregation.

25. I, along with the members of the Sumter Congregation, formed a successor church, New Life Apostolic Church, which was incorporated as a nonprofit, eleemosynary corporation under the laws of South Carolina on December 3, 2014.

26. In early 2015, Bishop Smith requested formal notification of the Sumter Congregation's disassociation. As a result, on January 23, 2015, I sent a letter of separation to Bishop Smith. Attached hereto as Exhibit 6 is a copy of the letter of separation.

27. From its inception, NLAC has operated openly as a separate and distinct church from the Progressive Church. Further, I have been open and apparent that I was the Pastor of NLAC and no longer part of the Progressive Church. Each Sunday prior to Covid we held church services which were open to visitors. In these services and in all our notices, bulletins, and other church publications we have referred to ourselves as the NLAC. Attached as Exhibit 7 are examples of church materials that clearly and plainly identify the church as NLAC and me as the Pastor.

28. The disassociation was, and continues to be, well known among members of the Progressive Church and I have frequently talked about the disassociation and NLAC with pastors, elders, and bishops in the Progressive Church, including multiple conversations with the Bishop Smith and with the alleged current Presiding Bishop, Theodore Jenkins ("Jenkins"), who is an individually named Defendant in this case.

29. I have invited several pastors from the Progressive Church to come preach at NLAC services, including Jenkins. On June 28, 2015, we were holding a first anniversary church service for NLAC in Bishopville, South Carolina. Jenkins came to the NLAC church service and preached to NLAC members. A program for the service was distributed to all who attended, including Jenkins. The program identifies the church as "New Life Apostolic Church", the pastor as "Ricky Finklea", and it lists "Bishop Theodore Jenkins" as providing the sermon. Attached hereto as Exhibit 8 is a copy of the June 28, 2015 NLAC Church Service Program.

30. During his sermon at the NLAC church service on June 28, 2015, Jenkins acknowledged the Sumter Congregation's disassociation from the Progressive Church. Jenkins told the congregation that he and I were still brothers, even though I was no longer a part of the Progressive Church. He stated we both have the same Father, Jesus Christ, and that makes us brothers.

31. Following the NLAC church service on June 28, 2015, Jenkins made a donation of \$25 to the NLAC. As a result, NLAC issued Jenkins a receipt for income tax purposes to Jenkins. Attached hereto as Exhibit 9 is a copy of the tax receipt.

32. On September 1, 2015, I was sitting in my office at the church property in Sumter and I received a call from J.D. Williams, who was a leader in the Progressive Church. He said that he was outside the church with Jenkins. I let them into my office and we discussed a variety of matters including the disassociation of the Sumter Congregation and the formation of the NLAC.

33. To be a congregation in the Progressive Church you must submit assessments to the national headquarters and quarterly and annual reports.

34. Prior to July 20, 2014, the Sumter Congregation regularly paid assessments to the Progressive Church and I, as the pastor, submitted quarterly and annual reports to the District Bishop and the Presiding Bishop. Following the disassociation on July 20, 2014, I did not submit any quarterly or annual reports to the Progressive Church on behalf of the Sumter Congregation. Further, no dues or assessments were paid on behalf of the Sumter Congregation to the Progressive Church.

35. NLAC is not part of the Progressive Church. As such, NLAC has not paid any dues or assessments to the Progressive Church. In addition, NLAC has not submitted any quarterly or annual reports to the Progressive Church.

36. On April 15, 2016, I met with Bishop Smith to discuss the disassociation of the Sumter congregation and NLAC as the successor church. We discussed the reasons for the separation and Bishop Smith requested that we reconsider our decision. At the end of our conversation, I requested some time to consider Bishop Smith's request.

37. On April 22, 2016, I met again with Bishop Smith and informed him that our decision to disassociate from the Progressive Church was final. Bishop Smith accepted the decision and encouraged me to remain faithful to the word of God. He made no objection to NLAC's use of the Property and asserted no ownership rights with respect to the Property on behalf of the Progressive Church.

38. Until Paul Johnson sent me correspondence in 2019, I did not receive any correspondence from the Progressive Church regarding any concerns about NLAC operating and conducting church activities on the Property. NLAC occupied, maintained, and enhanced the Property for years without any objection. Moreover, NLAC significantly improved the Property, the church, and a house on the Property, which has included renovations to the church and house and the construction of an addition to the building located at 219 Crescent Avenue. These improvements have been financed and completed by NLAC and its membership without any contribution or assistance from the Progressive Church.

39. Since its establishment in 2014, NLAC has grown from thirty members to over one hundred members.

40. I use the email pcsumter@yahoo.com, which I created as an abbreviation for Power to Change New Life Ministries and Services, which was a nonprofit organization that I founded in Sumter, South Carolina. Contrary to the assertions in Defendants' motion papers, the email address is not associated with the Progressive Church or the Sumter Congregation of the Progressive Church.

41. Although I disassociated from the Progressive Church, I maintain fellowship with many members of the Progressive Church and consider them to be brothers and sisters in Christ. I have been, and continue to get, invited to Progressive Church events. For example, Progressive Church pastors, ministers, and elders invited me to attend Progressive Church meetings on March 8, 2019, March 30, 2019, and August 17, 2019. These meetings occurred after the Individual Defendants claimed to be in control of the Progressive Church as a result of their unconstitutional appointments to the Board of Bishops in February of 2019. Many of the pastors, ministers, and elders in the Progressive Church were concerned about the actions of the Individual Defendants and a group of them asked me to assist them in voicing their concerns because I remain well respected in the Progressive Church community. At their request, I provided assistance with respect to communicating the concerns to the Individual Defendants and I sent letters and emails to the Individual Defendants. Some of these correspondence are described in, and included as attachments to, the Affidavit of Paul Johnson.

42. When I attended the Progressive Church events, such as those discussed in Defendants' affidavits, I did not "masquerade" as being a pastor in the Progressive Church. Rather, I participated in the events as a former leader in the Progressive Church who remains in fellowship with current members of the Progressive Church. At no point during the meetings did I state that I was still a member of the Progressive Church. I was never asked about my

affiliation because my disassociation from the Progressive Church was common knowledge among Progressive Church pastors, elders, and bishops.

43. During the Progressive Church meeting on March 30, 2019, photos were taken of the people in attendance. I was never told the purpose of the photos.

44. Sometime in April of 2019, I attended an event and Jenkins was also in attendance. He handed me an envelope as I was leaving. I did not know the contents of the envelope until I returned home and opened it. When I saw that they were “ministerial credentials” from the Progressive Church I threw them in the trash as I was not a member of the Progressive Church and following my disassociation in 2014, I did not utilize any ministerial authority granted by the Progressive Church.

45. Even after leaving the Progressive Church, I maintained a good relationship with Bishop Smith and we held each other in high regard. After Bishop Smith passed away, his family asked me to offer a prayer at the November 21, 2020 memorial services. I agreed to their request and delivered the prayer. I do not know who prepared the program for the services and I was never asked about how I wanted to be listed in the program. In fact, I was not aware of the program or its contents, and did not see the program, until after I arrived at the services. As a result, I was unable to request that they change the program to correctly list me as Pastor of NLAC.

46. The Progressive Church Constitution does not impose any trust on local congregation property.

47. Local congregation property is controlled, used, maintained, and improved by the local congregations without interference from the national organization.

48. Prior to 2019, the only time that I am aware of that the Progressive Church asserted ownership rights with respect to local congregation property was in the Bishopville case. In that case, Judge Doby issued an Order for Judgment in favor of the local congregation finding that the local congregation in Bishopville, and not the national Progressive Church, owned the church property. See Exhibit 10 attached hereto.

49. Other local congregations who left the Progressive Church kept their church property after forming successor churches. For example, local congregations in Atlanta, Georgia, and in Florence, South Carolina, disassociated from the Progressive Church and formed successor churches that maintained the use and control of local church property.

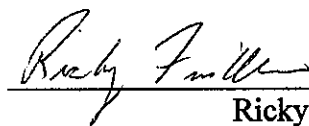
50. On September 20, 2019, without notifying me or any other member of NLAC, Paul Johnson filed a deed with the Register of Deeds in Sumter County that purportedly conveyed the Property to be held in trust for the Progressive Church in Columbia for the sum of ten dollars (\$10). The deed also included a restriction on the Property which precludes any sale or encumbrance of the Property without the written consent of the "Board of Bishops of the Progressive Church." I learned of the deed after it had been filed and obtained a copy from the Register of Deeds, which is attached hereto as Exhibit 11.

51. On December 11, 2020, I received a letter from Paul C. Johnson that asserts that the church property where NLAC operates is owned by the Progressive Church, and that the Board of Bishops objects to a sign on the Property that displayed, "New Life Apostolic Church". The letter also directs me to "vacate the Progressive Church's property in Sumter, South Carolina and remove all of [my] belongings" by December 31, 2020 and concludes with the following threat: "Please be aware that if you fail to abide by this final directive from the Board of Bishops, the Progressive Church will take further action to fully enforce the Board's decision

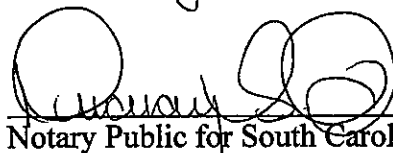
that you vacate the Progressive Church's property in Sumter, South Carolina by December 31, 2020." A copy of the letter is attached hereto as Exhibit 12.

52. As a result of this serious and imminent threat levied against me and NLAC, we filed a lawsuit to protect against Defendants' unauthorized and inappropriate actions and to obtain declaratory and injunctive relief to preserve our rights in the Property.

FURTHER AFFIANT SAYETH NOT


Ricky Finklea

SWORN to before me this 9th day
of May, 2021


Notary Public for South Carolina

My Commission Expires: 8/6/2028

Desaray S. Ross
Notary Public, State of South Carolina
My Commission Expires August 6, 2023

EXHIBIT 1

Jun 08 2020

REFERENCE ID: 532042

Document Number
0001 - P.1

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

PROGRESSIVE CHURCH OF OUR LORD JESUS CHRIST, INC.

CONSTITUTION

ARTICLE I - ORGANIZATION

Section I. Name of Organization

The name of this organization is the Progressive Church of Our Lord Jesus Christ, Incorporated.

Section II. All Churches in this Organization Shall Bear the Name:

PROGRESSIVE CHURCH OF OUR
LORD JESUS CHRIST, INC.

beginning or ending with any other name as approved by the Board of Bishops.

Churches seeking membership with this organization shall agree to be governed by its laws, by-laws, rules and regulations, and to be subject to the pastoral appointments made by the governing body of this organization.

Section III. Purpose of the Organization

The purpose of the organization is to teach the doctrines and beliefs of the Apostolic Faith and to own, establish and maintain churches, thereby perpetuating the Progressive Church of Our Lord Jesus Christ, Inc.

Section IV. Organizational Structure

The Progressive Church of Our Lord Jesus Christ, Inc. shall function on National, District, and Local levels. There shall be a National Young People's Union, National Women's Auxiliary Board, and National Sunday School Board. Young People's Unions, Women's Auxiliary Boards, and Sunday School Boards may also function on District and Local levels, as deemed necessary by District Elders and local Pastors.

Section V. Purpose of Constitution

We, the members of the Progressive Church of Our Lord Jesus Christ, Inc., do ordain and establish this constitution to further the preaching and propagating of the Gospel of Jesus Christ, and to further promote the spiritual welfare of our members through instructions in the Apostles' Doctrine.

ARTICLE II - STATEMENT OF BASIC DOCTRINES

1. The infallibility of scripture.
2. The oneness of the Godhead (Deity of Christ).
3. Virgin Birth.
4. Faith and repentance toward God.
5. The essentiality of water baptism in the name of the Lord Jesus Christ for the remission of sins.
6. The essentiality of being filled with the Holy Ghost with the initial evidence of speaking in other tongues as the Holy Ghost gives utterance.

Jun 08 2020

ARTICLE III - CLERGY

REFERENCE ID: 532042

Section I.

Mark Hammond
Secretary of State of South Carolina
ry of the Progressive Church of Our Lord Jesus Christ, Inc.
onsist of Bishops, Elders, and Ministers. The Clergy shall
function in various capacities as God has gifted them in accordance
with Ephesians 4:11.

Section II. Board of bishops

The Progressive Church of Our Lord Jesus Christ, Inc. shall be governed by a Board of Bishops which shall at no time consist of less than three (3) members, and shall have as officers, the Presiding Bishop, the Assistant Presiding Bishop and the Secretary to the Board of Bishops. This Board shall govern the church in both spiritual and secular matters. The Board of Bishops shall be responsible for setting forth biblical teachings and doctrines in accordance with the scriptures, and shall have the power to command that all ministers of this organization do the same. In secular matters, the Board of Bishops shall be responsible for the overall operation of the church and its financial growth and stability.

The Board of Bishops shall have the right to investigate the background of any church or organization wishing to become a part of the Progressive Church of Our Lord Jesus Christ, Inc. in an effort to determine if the said church or organization should gain membership into this body.

The members of the Board of Bishops shall retain their positions on the Board for life, unless physically or mentally incapacitated, as long as their lives are in harmony with the Word of God and are not guilty of any improper act or belief. The Board of Bishops shall meet at least four (4) times a year. 11/11/2021

Section III.

There shall be a Board of Presbytery appointed by the Board of Bishops which shall consist of consecrated Bishops who are not members of the Board of Bishops and ordained Elders who have met the qualifications outlined in I Timothy 3:1-7, who have been members of this organization three (3) consecutive years and who have been ordained three (3) years.

This Board of Presbytery shall act in an advisory capacity to the Board of Bishops. The Board of Presbytery shall, along with the Board of Bishops, consider any proposed legislation submitted to the Board of Bishops.

The offices of the Board of Presbytery shall be a Chairman, Co-Chairman, Secretary, Assistant Secretary, and Sergeant-At-Arms. The officers of this board shall be elected by its members to serve terms of four (4) consecutive years. The election of officers shall be held during the Annual Convocation of the election year. 11/11/2021

The Board of Presbytery shall meet at least twice a year. Once when deemed necessary by the Chairman of the Board and once along with the Board of Bishops. 11/11/2021

Section IV. District Bishops or District Elders

The Board of Bishops shall appoint District Bishops or District Elders to preside over the districts. District Bishops or District Elders shall be ordained Elders who have met the standards out-

ORIGINAL ON FILE IN THIS OFFICE
Article III, Section IV Continued:
Jun 08 2020

0001 - p.3

REFERENCE ID: 532042

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA
District Bishops or District Elders shall be responsible for the
vision of all District Auxiliaries and appointments of
to head these auxiliaries.

The District Bishops or District Elders shall insure that all
taxes and assessments, regular and special, levied by the National
organization are rendered to the National Treasury in compliance
with guidelines set forth for such taxes and assessments.

The District Bishops or District Elders shall be responsible for
conducting and presiding over all district meetings. Such meetings
will be held at the District Bishops' or District Elders' discretion
as long as they do not interfere with any national meetings.
District Meetings will be held at least once a year.

Section V. Pastors

All pastoral appointments shall be made by the members of the
Board of Bishops upon the recommendations of the appointee's
pastor and District Bishop or District Elder.

All pastors of local churches shall be ordained Elders who have
met the standards outlined in I Timothy 3:1-7 and adhere to and
uphold the true Apostolic principles as taught by the Progressive
Church of Our Lord Jesus Christ, Inc.

The pastors of local churches shall be responsible for instructing,
encouraging, advising, and aiding his congregation in an effort
to maintain high standards of holiness within the local churches.

Section VI. Local Ministers

Any person licensed as a local minister of the Progressive Church
of Our Lord Jesus Christ, Inc. shall have proven himself faithful
and loyal to God, his pastor and his local church. He must have
demonstrated his ability in teaching Sunday School, conducting public
worship services, and praying and reading publicly.

Upon the recommendation of the pastor and approval of the Board
of Bishops, any man who has met the above standards, and has been
successfully catechized may be licensed as a local minister of
this organization.

ARTICLE IV - FUNCTIONS OF OFFICERS OF THE CLERGY

Section I. Presiding Bishop

-He shall call the general Annual Convocation to order.

-He shall direct the proceedings of the general Annual Convocation
according to its rules, and with the Recording Secretary, sign
the minutes when sustained. With the National Secretary, sign
all other documents when required.

-He shall decide all questions of order.

-He shall appoint committees with the consent of the Board of
Bishops.

-He shall direct the roll to be called at the opening session.

Article IV Section I Continued:

REFERENCE ID: 532042

-He shall be the general spokesman for the Board of Bishops.

Mark Hammond
Secretary of State of South Carolina shall perform all duties incidental to the office.

Section II. Assistant Presiding Bishop

The Assistant Presiding Bishop shall assist the Presiding Bishop and will assume duties of Presiding Bishop in the event the Presiding Bishop becomes unable to perform his duties because of sickness, injury, or any other reasons. In the event of the total disablement or death of the Presiding Bishop, the Assistant Presiding Bishop will become the Presiding Bishop. An Assistant Bishop shall be selected from the remaining Board members.

Section III. Chairman of the Board of Presbytery

The Chairman of the Board of Presbytery shall be directly responsible to the Board of Bishops and shall insure that the functions of the Board of Presbytery are in accordance with the guidelines set forth by the Board of Bishops. He shall act as the spokesman for the Board of Presbytery and shall preside at all Board Meetings.

Section IV. Co-Chairman of the Board of Presbytery

The Co-Chairman of the Board of Presbytery shall be directly responsible to the Chairman of the Board. He shall assist the Chairman in any way deemed necessary by the Chairman of the Board.

The Co-Chairman of the Board of Presbytery shall preside at all meetings in the absence of the Chairman. He shall function as the Chairman, in all capacities, should the Chairman become unable, for any reason, to perform his duties. In the event of total disablement or death of the Chairman, the Co-Chairman will become the Chairman of the Board of Presbytery.

ARTICLE V - THE FILLING OF VACANCIES ON THE BOARD OF BISHOPS

Section I.

Vacancies on the Board of Bishops shall be filled by members from the Board of Presbytery. In the event all members of the Board of Bishops are rendered inactive because of death or incapacitation, the Chairman of the Board of Presbytery shall become the Acting Presiding Bishop, and the Co-Chairman of the Board of Presbytery shall become the Acting Assistant Presiding Bishop.

The Acting Presiding Bishop shall immediately call a special meeting of the Board of Presbytery and shall instruct its members concerning their task of electing the Presiding Bishop, the Assistant Presiding Bishop, and member(s) of the Board of Bishops.

The Acting Presiding Bishop shall encourage the members of the Board of Presbytery to utilize the power of prayer and fasting to seek the will of God in the election of members of the Board of Bishops.

The Acting Presiding Bishop shall inform the members of the Board of Presbytery that the election of the Board of Bishops must take place within sixty (60) days of the special meeting called.

Article VI - Section I

REFERENCE ID: 532042

ARTICLE VI - CREDENTIALS

Se: *Mark Hammond*
SECRETARY OF STATE OF SOUTH CAROLINA

All members of the clergy must be properly licensed by the Board of Bishops.

Section II. All credentials shall be deemed void upon the withdrawal, the resignation or the ex-communication of the licensee.

ARTICLE VII - QUALIFICATIONS AND FUNCTIONS OF OFFICERS

Section I.

All officers must have been baptized, in accordance with Acts 2:38, and filled with the Holy Ghost in accordance with Acts 2:4. They must be of good moral character, and in good standing in the Progressive Church of Our Lord Jesus Christ, Inc.

Section II. National Secretary

The National Secretary shall be responsible for the recording of minutes of all National Meetings of the church for the filling of all general church records. He shall be responsible for the distribution of letters and all other correspondence from the Board of Bishops to all subordinate officers. He shall be responsible for the securing and safekeeping of all the organization's documents and the church's seal. He shall sign official documents with the Presiding Bishop, when necessary, in the name of the Progressive Church of Our Lord Jesus Christ, Inc., and affix the seal thereof when requested. He shall sign checks along with the National Treasurer and shall be responsible for maintaining records of all financial transactions. He shall sign all credentials and perform all duties incidental to the office of the National Secretary. The National Secretary must be bonded.

Section III. Recording Secretary

The Recording Secretary shall keep an accurate account of the proceedings of the Convocation, which shall stand as the official record when approved and shall be signed by him in Convocation with the Presiding Bishop. He shall read all papers which may be ordered to be read. He shall notify the chairman of each committee of his appointment, giving him a list of members and stating the business referred to them. He shall call the roll of ministers alphabetically at the beginning of the Annual Convocation. The Recording Secretary functions only during the Convocation.

Section IV. Corresponding Secretary

The Corresponding Secretary shall keep a record of all officers, names and addresses, attend to all official correspondence, communications, and posting of notices. (Person of high ethical standards is required because confidentiality is imperative).

Section V. National Treasurer

The National Treasurer shall receive and disburse funds according to the directions of the Board of Bishops, keep a full and accurate account of the same, and submit a written report to the General Convocation at the end of each year.

Article VIII - Section V Continued:

REFERENCE ID: 532042

Mark H. H. H.
The National Treasurer and the National Secretary shall sign, and endorse in the name of the church all checks, check IOU's, orders for the payment of money, and pay out and dispose of same, and receipt thereof under the direction of the Board of Bishops. He shall perform all duties incidental to the office of the Treasurer. The National Treasurer must be bonded.

Section VI. Secretary of the Treasury

The Secretary of the Treasury shall keep an accurate record of all finances of the organization including a record of all income, a record of all disbursements, a record of all bank deposits, a duplicate of financial records of all auxiliary boards, departments, and committees.

ARTICLE VIII - CASES OF IMPROPER CONDUCT

Section I.

Bishops, Elders, and Pastors will be tried by the Board of Bishops. If a Bishop, Elder or Pastor shall be accused of improper conduct, the Board of Bishops shall carefully examine the case. If in the opinion of the Board of Bishops there is a reasonable ground for such an accusation, they shall prepare the proper charges. A copy of the charge shall be sent to the one charged immediately. The Board of Bishops shall assemble for trial.

The Presiding Bishop shall preside at all trials. In the case where the Presiding Bishop is being tried or is unable to perform, the Assistant Presiding Bishop shall assume the duties of Presiding Bishop at the trial.

The Board of Bishops shall have full power to try the one charged. As a result of its decision, the accused shall be exonerated or suspended from the function of his office. The National Secretary shall notify the churches of the trial results.

Pastors shall have the authority to hear and act upon charges brought against ministers in their local churches. Any minister in disagreement with the decision of his pastor, shall have the right to appeal to his District Bishop or District Elder. If still not satisfied, he shall have the right to appeal to the Board of Bishops.

ARTICLE IX - ANNUAL CONVOCATION

Section I. There shall be a general Annual Convocation of this church. The general Annual Convocation shall consist of the Governing Board of Bishops, the Board of Presbytery, ministers, deacons, and laity.

Section II. The general Convocation is the annual meeting of the organization for preaching and propagating the gospel of Jesus Christ, instructing members in the Apostles' Doctrine, fellowshiping, and transacting the financial matters.

The general Annual Convocation shall receive and allocate finances for the operation of the organization.

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

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Article X 08 2020

REFERENCE ID: 532042


SECRETARY OF STATE OF SOUTH CAROLINA

ARTICLE X - AMENDMENTS AND REPEALS

Articles contained in this Constitution may be amended or
repealed as necessary when the procedures for the same are
established.

DATE COMPLETED: August 18, 1983

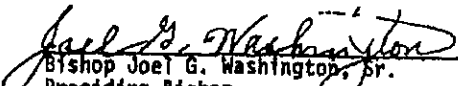
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August 18, 1983

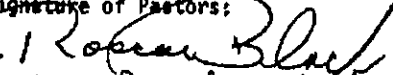
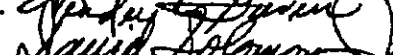
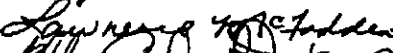
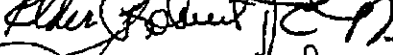
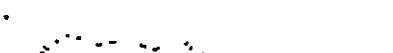
Jun 08 2020
REFERENCE ID: 532042


Mark Hammond
Secretary of State of South Carolina
I subsequently understand and agree with the intent and
provisions of the Constitution of the Progressive Church of Our Lord Jesus
Christ, Inc. Therefore, I render my signature to show my support for the
ratification of this Constitution.


Bishop Joel G. Washington, Sr.
Presiding Bishop


Bishop Edward Smith
National Secretary

Signature of Pastors:

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2. 
3. 
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