

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

MAR 28 2017

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable J. C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2016-000513
Common Pleas Case No.: 2013-CP-10-1877

The RMUE through its General Officers Barbara B. Clark, Warren E. Hatcher, Cassie Keeton, Daniel Green, Powell Hampton, Amos Hatcher, Bobby Keeton, James Moseley, and Willie B. Oliver, Respondents,

vs.

Herman Bolds, Richard Brown Cecil Parker, Theodore Miller, Carl Miller, Joan S. Roper, Martha Mathews, Thomasina G. Walker, Marilyn S. Washington, Jaree R. Stanley, Audrey Wilder, Derrick Lucas, Willie Parker, Jr., James Cromwell, James A. Roper, III, Elizabeth R. Parker, Jacqueline R. Miller, and Payne Church, Appellants.

RECORD ON APPEAL

VOLUME I

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Attorney for Appellants

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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2013-CP-10-1877

The RMUE through its General Officers)
Barbara B. Clark, Warren E. Hatcher,)
Cassie Keeton, Daniel Green, Powell)
Hampton, Amos Hatcher, Bobby Keeton,)
James Moseley, Willie B. Oliver,)

Plaintiffs,

v.

Herman Bolds, Richard Brown Cecil)
Parker, Theodore Miller, Carl Miller, Joan S.)
Roper, Martha Mathews, Thomasina G.)
Walker, Marilyn S. Washington, Jaree R.)
Stanley, Audrey Wilder, Derrick Lucas,)
Willie Parker, Jr. James Cromwell,)
James A. Roper, III, Elizabeth R. Parker,)
Jacqueline R. Miller, and Payne Church)

Defendants.

ORDER

FILED
2016 FEB 10 PM 12:06
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

STATUS OF CASE

After I held a lengthy non-jury trial, I ordered mediation be held by September 1, 2015. I withheld ruling pending mediation. Mediation was held on August 31, 2015, but indications were that efforts were ongoing to remove one remaining contingency. A motion was filed to compel settlement, and on December 16, 2015 I held a hearing on that motion.

BRIEF STATEMENT OF MATERIAL FACT

I will make no effort to recite the facts, except as necessary to this order. The material facts, necessary to this order, are as follows:

- 1: The parties mediated until approximately midnight.
2. A hard-fought settlement was reached, with one contingency or caveat.

3. The contingency was approval by the Bishop, of Reverend Junious, as Pastor.
4. Reverend Junious was not approved by the Bishop.
5. Reverend Junious is not under any specific disqualification for the R.M.U.E. ministry.
6. Every agreement, especially, one to be presented to the Court, contains the implied condition of good-faith and fair dealing.
7. I view the intent of the agreement to require some objective reason for not appointing Reverend Junious.

DICTA



I have duly considered Mr. Johnson's zealous argument that no one, certainly no court, can compel the Bishop to issue an ordination, or to assign a Pastor. This is certainly an argument worthy of consideration. I am enforcing a settlement, not deciding ecclesiastical matters. I note that the Plaintiff has long sought pendent lite relief. My order basically restores the status quo ante of a united Payne R.M.U.E. Church pastored by Reverend Junious, until the issue is revisited at General Council in November 2016. November 2016 is long before any final decision could be heard on appeal.

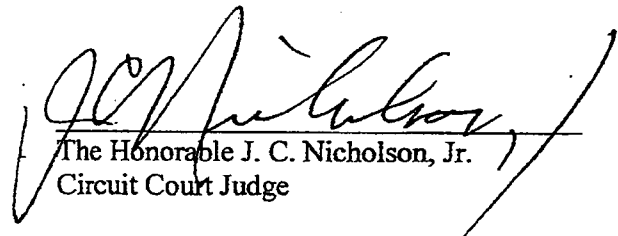
PROPERTY RULING

While I fervently hope the issue is moot, I have decided to rule upon the issue of title to real estate. It was indicated that the Church itself may have pre-existed the R.M.U.E. affiliation. However, the real estate was deeded to Payne's Chapel R.M.U.E. Church. Payne R.M.U.E. Church still exists. Nothing has transpired to validly change the title. Specifically, the Quitclaim deed was signed by persons who were no longer members of Payne R.M.U.E. Church. The real estate of Payne R.M.U.E. is confirmed and quieted in favor of Payne R.M.U.E. Church, a/k/a Payne's Chapel R.M.U.E. Church.

I therefore hold that there is no failure of a condition precedent, and order that the settlement be enforced. It is now therefore ORDERED that the settlement appended hereto become the order of the Court. It is further ordered that any real property herein concerned is the property of Payne R.M.U.E. Church, a/k/a Payne's Chapel R.M.U.E. Church, not the newly formed corporate entity, Payne Church.

Dated: 2/9, 2016

At: Charleston, South Carolina


The Honorable J. C. Nicholson, Jr.
Circuit Court Judge

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON,

The RMUE through its General Officers,
Barbara B. Clark, Warren E. Hatcher,
Cassie Keeton, Daniel Green, Powell
Hampton, Amos Hatcher, Bobby Keeton,
James Moseley, Willie B. Oliver,

Plaintiffs,

vs.

Herman Bolds, Richard Brown, Cecil Parker,
Theodore Miller, Carl Moore, Joan S. Roper
Martha Matthews, Thomasina G. Walker,
Marilyn S. Washington, Jaree R. Stanley,
Audrey Wilder, Derrick Lucas,
Willie Parker, Jr., James Cromwell,
James A. Roper, III, Elizabeth R. Parker,
Jacqueline R. Miller, and Payne Church

Defendants

) IN THE COURT OF COMMON PLEAS
) 9th JUDICIAL CIRCUIT
) CIVIL ACTION NO: 2012-CP-10-1877

SUMMONS

BY

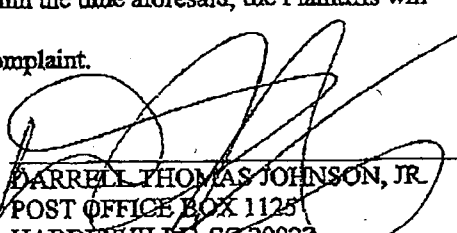
JULIE J. ARMSTRONG
CLERK OF COURT

2013 MAR 29 PM 4:00

FILED

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this
action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the
said Complaint on the subscribers at 300 Main Street (Post Office Box 1125) Hardeeville, South
Carolina 29927, within thirty (30) days after the service hereof, exclusive of the date of such
service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiffs will
apply to the Court for the relief demanded in the Complaint.


DARRELL THOMAS JOHNSON, JR.
POST OFFICE BOX 1125
HARDEEVILLE, SC 29927
(843) 784-2142/(843) 784-5770 facsimile

March 28th, 2013

ROA 0007

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON,

The RMUE through its General Officers,
Barbara B. Clark, Warren E. Hatcher,
Cassie Keeton, Daniel Green, Powell
Hampton, Amos Hatcher, Bobby Keeton,
James Moseley, Willie B. Oliver,

Plaintiffs,

vs.

Herman Bolds, Richard Brown, Cecil Parker,
Theodore Miller, Carl Moore, Joan S. Roper,
Martha Matthews, Thomasina G. Walker,
Marilyn S. Washington, Jaree R. Stanley,
Audrey Wilder, Derrick Lucas,
Willie Parker, Jr., James Cromwell,
James A. Roper, III, Elizabeth R. Parker,
Jacqueline R. Miller, and Payne Church

Defendant(s).

) IN THE COURT OF COMMON PLEAS
) 9th JUDICIAL CIRCUIT
) CIVIL ACTION NO: 2012-CP-10-

COMPLAINT

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2013 MAR 29 PM 2:00

FILED

The Plaintiff complaining of the Defendants alleges and shows unto the Court:

1. That Payne Church is a Reformed Methodist Union Episcopal Church, (RMUE Church), located in Charleston County, State of South Carolina.
2. That the individual Defendants have resigned from the RMUE, but still attempt to interfere with Church matters, (see attached letter).
3. That the individual Defendants hold themselves out a Church officials, but have not been legally elected or appointed.
4. That the individual Defendants seek to take actions, that only the congregation, at large, could take, after due notice of any impending decision making.
5. That the Corporate Defendant is a newly created entity which seeks to usurps the property and role of the RMUE Church and Payne RMUE Church.

6. That the Defendants are withholding, and possibly converting to their own use, funds belonging to RMUE.

7. That the Plaintiffs have no adequate remedy at law.

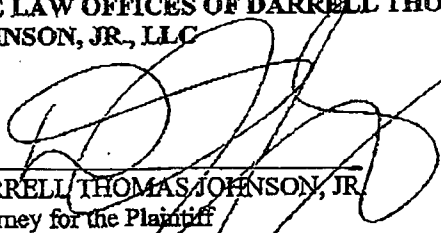
8. That the Plaintiffs are being irreparably harmed.

9. That a justifiable controversy exists.

10. That Plaintiff is entitled to a injunctive relief both temporary and permanent, restraining the Defendants from interfering in Church or RMUE matters.

WHEREFORE, the Plaintiffs pray for temporary and permanent injunctions, costs of this action, and such other and further relief as may be just and proper..

**THE LAW OFFICES OF DARRELL THOMAS
JOHNSON, JR., LLC**

By: 
DARRELL THOMAS JOHNSON, JR.
Attorney for the Plaintiff
**LAW OFFICE OF DARRELL THOMAS
JOHNSON, JR. LLC**
POST OFFICE BOX 1125
HARDEEVILLE, SC 29927
(843) 784-2142
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Hardeeville, South Carolina

March 28th, 2013

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON,
The RMUE through its General Officers,
Barbara B. Clark, Warren E. Hatcher,
Cassie Keeton, Daniel Green, Powell
Hampton, Amos Hatcher, Bobby Keeton,
James Moseley, Willie B. Oliver,

Plaintiffs,

vs.

Herman Bolds, Richard Brown, Cesar Jenkins,
Theodore Miller, Carl Moore, Joan S. Roper
Martha Matthews, Thomasina G. Walker,
Marilyn S. Washington, Jaree R. Stanley,
Audrey Wilder, Derrick Lucas,
Willie Parker, Jr., James Cromwell,
James A. Roper, III, Elizabeth R. Parker,
Jacqueline R. Miller, and Payne Church

Defendants

) IN THE COURT OF COMMON PLEAS
) 9th JUDICIAL CIRCUIT
) CIVIL ACTION NO: 2012-CP-10-

2013

1877

**AMENDED
SUMMONS**

BY

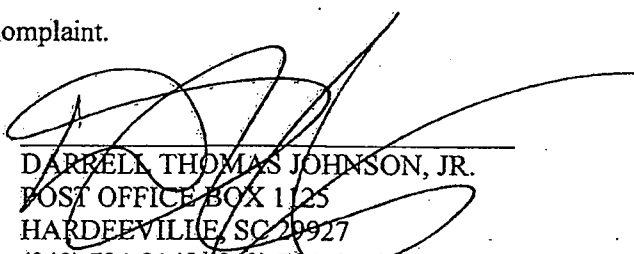
JULIE J. ARMSTRONG
CLERK OF COURT

2013 APR -5 PM 2:58

FILED

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at 300 Main Street (Post Office Box 1125) Hardeeville, South Carolina 29927, within thirty (30) days after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiffs will apply to the Court for the relief demanded in the Complaint.


DARRELL THOMAS JOHNSON, JR.
POST OFFICE BOX 1125
HARDEEVILLE, SC 29927
(843) 784-2142 / (843) 784-5770 facsimile

April 1, 2013

ROA 0010

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON,

The RMUE through its General Officers,
Barbara B. Clark, Warren E. Hatcher,
Cassie Keeton, Daniel Green, Powell
Hampton, Amos Hatcher, Bobby Keeton,
James Moseley, Willie B. Oliver,

Plaintiffs,

vs.

Herman Bolds, Richard Brown, Cesar Jenkins)
Theodore Miller, Carl Moore, Joan S. Roper)
Martha Matthews, Thomasina G. Walker,)
Marilyn S. Washington, Jarce R. Stanley,)
Audrey Wilder, Derrick Lucas,)
Willie Parker, Jr., James Cromwell,)
James A. Roper, III, Elizabeth R. Parker,)
Jacqueline R. Miller, and Payne Church)

Defendant(s).

) IN THE COURT OF COMMON PLEAS

) 9th JUDICIAL CIRCUIT

) CIVIL ACTION NO: 2012-CP-10-

2013

1877

**AMENDED
COMPLAINT**

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2013 APR -5 PM 2:58

FILED

The Plaintiff complaining of the Defendants alleges and shows unto the Court:

1. That Payne Church is a Reformed Methodist Union Episcopal Church, (RMUE Church), located in Charleston County, State of South Carolina.
2. That the individual Defendants have resigned from the RMUE, but still attempt to interfere with Church matters, (see attached letter).
3. That the individual Defendants hold themselves out a Church officials, but have not been legally elected or appointed.
4. That the individual Defendants seek to take actions, that only the congregation, at large, could take, after due notice of any impending decision making.

5. That the Corporate Defendant is a newly created entity which seeks to usurps the property and role of the RMUE Church and Payne RMUE Church.

6. That the Defendants are withholding, and possibly converting to their own use, funds belonging to RMUE.

7. That the Plaintiffs have no adequate remedy at law.

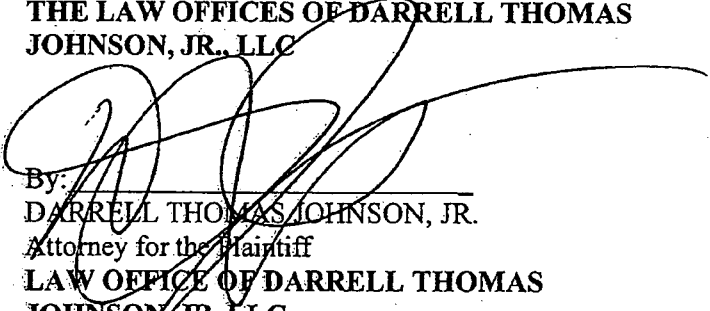
8. That the Plaintiffs are being irreparably harmed.

9. That a justifiable controversy exists.

10. That Plaintiff is entitled to a injunctive relief both temporary and permanent, restraining the Defendants from interfering in Church or RMUE matters.

WHEREFORE, the Plaintiffs pray for temporary and permanent injunctions, costs of this action, and such other and further relief as may be just and proper..

**THE LAW OFFICES OF DARRELL THOMAS
JOHNSON, JR., LLC**

By: 
DARRELL THOMAS JOHNSON, JR.
Attorney for the Plaintiff

**LAW OFFICE OF DARRELL THOMAS
JOHNSON, JR. LLC**

POST OFFICE BOX 1125
HARDEEVILLE, SC 29927

(843) 784-2142

(843) 784-5770 facsimile

Hardeeville, South Carolina

April 1, 2013

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2013-CP-10-1877

The RMUE through its General Officers,)
Barbara B. Clark, Warren E. Hatcher,)
Cassie Keeton, Daniel Green, Powell)
Hampton, Amos Hatcher, Bobby Keeton,)
James Moseley, Willie B. Oliver,)
Plaintiffs,)

vs.)

MOTION TO DISMISS

Herman Bolds, Richard Brown, Cecil Parker,))
Theodore Miller, Carl Moore, Joan S. Roper)
Martha Matthews, Thomasina G. Walker,)
Marilyn S. Washington, Jaree R. Stanley,)
Audrey Wilder, Derrick Lucas,)
Willie Parker, Jr., James Cromwell,)
James A. Roper, III, Elizabeth R. Parker,)
Jacqueline R. Miller, and Payne Church,)
Defendants.)

FILED
2013 APR 22 PM 2:11
JULIE J. ARMSTRONG
CLERK OF COURT

NOW COMES Defendants, by and through their undersigned counsel, and moves this Honorable Court to dismiss the Plaintiff's Complaint pursuant to the South Carolina Rules of Civil Procedure 12(b), et al. and the following:

This Court lacks subject matter and personal jurisdiction based upon the following:

- a. This case is not ripe because it is an ecclesiastical matter and Defendants assert they have not been tried in any ecclesiastical court. Therefore the law court lacks subject matter and personal jurisdiction and thus the case has been filed untimely under SC Rules of Civil Procedure, Rule 12(b) et al., Rule 12(b)(1) and Rule 12(b)(2) SCRCP and;
- b. The Plaintiffs failed to identify the subject matter, parties' jurisdiction, and venue pursuant to SC Rules of Civil Procedure, Rule 12(b) et al., Rule 12(b)(1), Rule 12(b)(2), and Rule 12(b)(3); and

c. That Plaintiff failed to properly serve the Defendants.

d. That Plaintiff failed to state facts sufficient to constitute a cause of action under Rule 12(b)(6) SCRPC.

In addition, this case is a duplicative of two cases; Barbara Clark, et al. vs. Fred Moore, et al., Case No. 2012-CP-27-291, and William Polite, Jr. vs. Herman Bolds, Case No. 2013-CP-10-1361. In addition, an appeal is currently pending before the South Carolina Court of Appeals, Appellate Case No.: 2012-213391 and the South Carolina Supreme Court. The Supreme Court has determined that this matter involves the same facts and circumstances. (See Exhibit 1).

Question has also been presented by the Supreme Court as to whether actions taken place before Jasper County Court of Common Pleas are null and void. (See Exhibit 2).

In addition, on November 1, 2012, the Jasper County matter was removed to the U.S. District Court. Pursuant to 28 USC §1446(d), "[p]romptly after the filing of such notice of removal of a civil action... the State court shall proceed no further unless and until the case is remanded". However, the Plaintiffs and Special Referee Richard E. Fields, who was also the paid mediator, continued to file motions, injunctions, orders, and rulings even though they did not have authority or jurisdiction to hear and rule on it while pending in Federal Court.

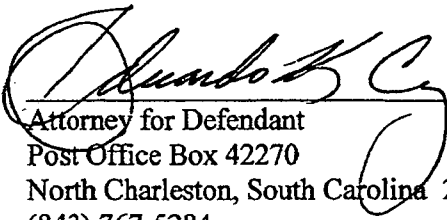
Plaintiffs' new action filed against the parties as above captioned is frivolous and is only meant to harass, annoy, and embarrass the parties and is not based in fact or law. Therefore, this action should be dismissed, and Plaintiffs should be ordered to pay the appropriate amount for attorney fees and costs associated with defending this action and for such and other relief as the Honorable Court deems necessary and proper for dismissal.

Wherefore, Defendants respectfully request that Plaintiffs' Complaint be dismissed and that Plaintiffs be ordered to pay the appropriate amount for attorney fees and costs associated

with defending this action and for such and other relief as the Honorable Court deems necessary and proper for dismissal.

RESPECTFULLY SUBMITTED,

**THE CURRY LAW FIRM, LLC
EDUARDO K. CURRY, ESQUIRE**



Attorney for Defendant
Post Office Box 42270
North Charleston, South Carolina 29423
(843) 767-5284
(843) 767-5286 (Fax)

Dated: 4/18/13

CERTIFICATE OF SERVICE

13-CL-10-1877

The undersigned hereby certifies that a true copy of the **DEFENDANTS' MOTION TO DISMISS** has been served upon opposing counsel by hand delivery, email, or by mailing a copy properly addressed with sufficient postage affixed thereto this 19 day of April, 2013 to the following:

Darrell Thomas Johnson, Jr., Esq.
PO Box 1125
Hardeeville, SC 29927

FILED
2013 APR 22 PM 2:11
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____


Paralegal

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON,

Payne RMUE Church

Plaintiff(s),

vs.

Payne Church, a corporation

Defendant(s).

) IN THE COURT OF COMMON PLEAS

) 9th JUDICIAL CIRCUIT

) CIVIL ACTION NO: 2013-CP-10-3843

SUMMONS

BY

JULIE J. ARMSTRONG
CLERK OF COURT

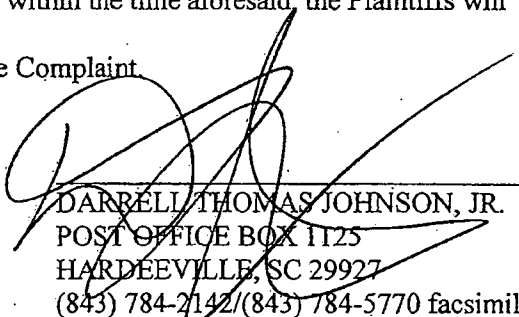
2013 JUL -1 PM 2:26

FILED

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this

action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at 300 Main Street (Post Office Box 1125) Hardeeville, South Carolina 29927, within thirty (30) days after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid the Plaintiffs will apply to the Court for the relief demanded in the Complaint.


DARRELL THOMAS JOHNSON, JR.
POST OFFICE BOX 1125
HARDEEVILLE, SC 29927
(843) 784-2142/(843) 784-5770 facsimile

June 27, 2013

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON,

Payne RMUE Church

Plaintiff(s),

vs.

Payne Church, a corporation

Defendant(s).

) IN THE COURT OF COMMON PLEAS
) 9th JUDICIAL CIRCUIT
) CIVIL ACTION NO: 2013-CP-1000

COMPLAINT

FILED
2013 JUL 24 PM 2:21
JULIE S. ARMSTRONG
CLERK OF COURT

The Plaintiff complaining of the Defendants alleges and shows unto the Court:

1. That Payne Church is a Reformed Methodist Union Episcopal Church, (RMUE Church), located in Charleston County, State of South Carolina.
2. That numerous individuals have resigned from the RMUE, but still attempt to interfere with Church matters, (see attached letter).
3. That the individuals hold themselves out as officials of a newly formed corporation called Payne Church, but have not been legally elected or appointed.
4. That the individuals seek or purport to take actions, that only the RMUE congregation, at large, could take, after due notice of any impending decision making.
5. That the Corporate Defendant is a newly created entity which seeks to usurp the property and role of the RMUE Church and Payne RMUE Church.
6. That the Defendants are withholding, and possibly converting to their own use, funds belonging to the RMUE, or to Payne RMUE Church
7. That the Plaintiff has no adequate remedy at law.
8. That the Plaintiff is being irreparably harmed.
9. That a justiciable controversy exists.

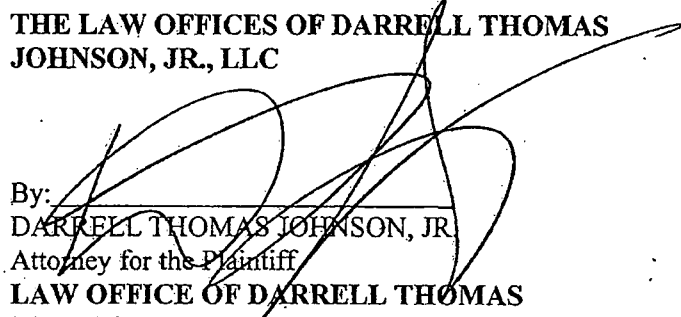
10. That Plaintiff is entitled to a injunctive relief both temporary and permanent, restraining the Defendants from interfering in Church or RMUE matters.

11. That the Defendants has obtained an invalid ultra vires deed to:

All that certain piece or tract of land situate, lying, and being on James Island, Charleston County, South Carolina, known by the letters C, D, G, H, M and N, on a plat by W. L. Gaillard dated May, 1953, entitled AP OF TRACT OF LAND BY EST. OF SARAH E. GRIMBALL", which plat was recorded on January 21, 1954 in Plat book J, Page 89, and in the R.M.C. Office for Charleston County. The said property has such sizes, shapes, metes, buttings and boundings as are shown on said plat which is made a part and parcel of this description by reference hereto. Being the same premises conveyed to the George Richardson, Henry Robinson, Raymond Murray, Joseph Grant, John W. Prioleau, Alfred Bright, Wesley E. Goudine, Wesley A. Moore, James Fleming, Hezikah Brown, Jr. and Willie Pinckney, as Trustees for Payne's Chapel R.M.U.E. Church by Beulah Grimball Robinson by deed dated April 8, 1978; rec April 13, 1978 in Deed Book M115 at Page 135 in the RMC Office for Charleston County. For more detailed description of the properties herein, reference may be had to that certain plat prepared for Payne Church, dated March 27, 2013 and recorded April 5, 2013, a copy of which is recorded in the Office of the ROD for Charleston County, South Carolina in Plat Book 322 at Page 156. Believed shown as TMS#: 334-04-00-035.

WHEREFORE, the Plaintiffs pray for temporary and permanent injunctions, nullification of the deed to the deed to the corporate Payne Church costs of this action, and such other and further relief as may be just and proper.

**THE LAW OFFICES OF DARRELL THOMAS
JOHNSON, JR., LLC**

By: 
DARRELL THOMAS JOHNSON, JR.
Attorney for the Plaintiff
**LAW OFFICE OF DARRELL THOMAS
JOHNSON, JR. LLC**
POST OFFICE BOX 1125
HARDEEVILLE, SC 29927
(843) 784-2142
(843) 784-5770 facsimile

Hardeeville, South Carolina

June 27, 2013

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2013-CP-10-3843

Payne RMUE Church

Payne Church

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:
JUDGE

Attorney for ☐ Plaintiff ☐
Defendant

☐ Self-Represented Litigant

Disposition Type (Check One)

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

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

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: In a previous order by this court, it is noted that this matter has been consolidated with 2013-CP-10-1877, with this case (2013-CP-10-3843) being the lead case.

In the present matter, Defendants motion to dismiss came before the court immediately following the motion to consolidate. In light of the fact that discovery has not yet taken place, this court cannot currently rule on the motion to dismiss. Therefore, the motion is denied.

Plaintiff's motion to compel is hereby continued pending further discovery.

Counsel for both parties are to consult and prepare a consent order addressing discovery and other scheduling matters at their earliest convenience.

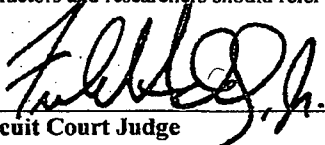
Order Information

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk: _____

Complete if judgment requires payment of a sum of money or affects title to real or personal property			
JUDGMENT AGAINST PLAINTIFF:		JUDGMENT AGAINST DEFENDANT:	
Judgment Amount:	\$ _____	Judgment Amount:	\$ _____
Taxable Costs:	\$ _____	Taxable Costs:	\$ _____
Attorney's Fees:	\$ _____	Attorney's Fees:	\$ _____
Interest:	\$ _____	Interest:	\$ _____
Other:	\$ _____	Other:	\$ _____
Total Amount to be Enrolled:	\$ _____	Total Amount to be Enrolled:	\$ _____
If applicable, describe the property, including tax map information and address, referenced in the order:			

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interests or costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

	2159	October 15, 2013
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:
Darrell T. Johnson, Jr. Eduardo Kelvin Curry

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Payne RMUE Church,)

Plaintiff,)

vs.)

Payne Church, a corporation,)

Defendants.)

The RMUE through its General Officers,)
Barbara B. Clark, Warren E. Hatcher,)
Cassie Keeton, Daniel Green, Powell)
Hampton, Amos Hatcher, Bobby Keeton,)
James Moseley, Willie B. Oliver,)
Plaintiffs,)

vs.)

Herman Bolds, Richard Brown, Cecil Parker,)
Theodore Miller, Carl Moore, Joan S. Roper)
Martha Matthews, Thomasina G. Walker,)
Marilyn S. Washington, Jaree R. Stanley,)
Audrey Wilder, Derrick Lucas,)
Willie Parker, Jr., James Cromwell,)
James A. Roper, III, Elizabeth R. Parker,)
Jacqueline R. Miller, and Payne Church,)
Defendants.)

COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NOS.: 2013-CP-10-3843

2013-CP-10-1872

BY

JULIE J. ARMSTRONG
CLERK OF COURT

FILED
NOV - 8 PM 3:20

**ANSWER AND COUNTERCLAIM
(JURY TRIAL DEMANDED)**

The Defendants, answering the Complaint of the Plaintiff alleges and says:

1. Defendants deny each and every allegation of the Plaintiffs' Complaints not hereinafter admitted, denied or answered to.

AS TO PLAINTIFFS' COMPLAINT FILED AGAINST PAYNE CHURCH

2. Defendants admit Paragraph 1 in that it is located in Charleston County, State of South Carolina, but deny the remaining allegations of Paragraph 1 in that it is not a

Reformed Methodist Union Episcopal Church (RMUE Church) and demands strict proof thereof.

3. Defendants deny the allegations of Paragraph 2 and demands strict proof thereof.
4. Defendants deny the allegations of Paragraph 3 and demands strict proof thereof.
5. Defendants deny the allegations of Paragraph 4 and demands strict proof thereof.
6. Defendants deny the allegations of Paragraph 5 and demands strict proof thereof.
7. Defendants deny the allegations of Paragraph 6 and demands strict proof thereof.
8. Defendants deny the allegations of Paragraph 7 and demands strict proof thereof.
9. Defendants deny the allegations of Paragraph 8 and demands strict proof thereof.
10. Defendants deny the allegations of Paragraph 9 and demands strict proof thereof.
11. Defendants deny the allegations of Paragraph 10 and demands strict proof thereof.
12. Defendants deny the allegations of Paragraph 11 and demands strict proof thereof.
13. Defendants deny Plaintiffs' prayer for relief, said Paragraph being the remaining Paragraph of the Complaint.

AS TO PLAINTIFFS' AMENDED COMPLAINT FILED AGAINST

HENRY BOLDS, et al.

14. Defendants admit Paragraph 1 in that it is located in Charleston County, State of South Carolina, but deny the remaining allegations of Paragraph 1 in that it is not a Reformed Methodist Union Episcopal Church (RMUE Church) and demands strict proof thereof.
15. Defendants deny the allegations of Paragraph 2 and demands strict proof thereof.
16. Defendants deny the allegations of Paragraph 3 and demands strict proof thereof.
17. Defendants deny the allegations of Paragraph 4 and demands strict proof thereof.

18. Defendants deny the allegations of Paragraph 5 and demands strict proof thereof.
19. Defendants deny the allegations of Paragraph 6 and demands strict proof thereof.
20. Defendants deny the allegations of Paragraph 7 and demands strict proof thereof.
21. Defendants deny the allegations of Paragraph 8 and demands strict proof thereof.
22. Defendants deny the allegations of Paragraph 9 and demands strict proof thereof.
23. Defendants deny the allegations of Paragraph 10 and demands strict proof thereof.
24. Defendants deny Plaintiffs' prayer for relief, said Paragraph being the remaining Paragraph of the Complaint.

**FURTHER ANSWERING AND AS A FIRST AFFIRMATIVE DEFENSE AND AS
A COUNTERCLAIM DEFENDANTS ALLEGE**
(SCRCP, Rule 12(b) Defenses)

25. Further answering the complaint and for a further defense thereto, Defendants alleges that Plaintiffs' claims fail for a lack of subject matter jurisdiction based on Plaintiffs' lack of standing to assert the claims asserted against Defendants, and therefore, all claims against Defendants should be dismissed pursuant to Rule 12(b)(1) of the South Carolina Rules of Civil Procedure.
26. Further answer the complaint and for a further defense thereto, Defendants alleges that Plaintiffs have failed to state facts sufficient to constitute a cause of action against Defendants, and therefore, all claims against Defendants should be dismissed pursuant to Rule (12)(b)(6) of the South Carolina Rules of Civil Procedure.

**FURTHER ANSWERING AND AS A SECOND AFFIRMATIVE DEFENSE AND
AS A COUNTERCLAIM DEFENDANTS ALLEGES**

(Acts and Omissions)

27. Further answer the complaint and for a further defense thereto, Defendants alleges that no acts or omission of Defendants proximately caused or contributed to any injuries or damages that Plaintiffs may have sustained.

**FURTHER ANSWERING AND AS A THIRD AFFIRMATIVE DEFENSE AND
AS A COUNTERCLAIM DEFENDANTS ALLEGE**

(Waiver, Estoppel and Laches)

28. Plaintiffs' claims should be dismissed pursuant to waiver, estoppel and laches.

**FURTHER ANSWERING AND AS A FOURTH AFFIRMATIVE DEFENSE AND
AS A COUNTERCLAIM DEFENDANTS ALLEGE**

(Statute of Limitations/Statute of Repose)

29. Plaintiffs' claims are barred by the applicable statute of limitations and/or statute of repose in that Plaintiffs' failed to file and serve this action within the statute of limitations and/or statute of repose. *See* S.C. Code Ann. § 15-3-640 (Law. Co-op. 2006) and Rule 12(b)(4) & (5) of the South Carolina Rules of Civil Procedure. *See also Dean v. Ruscon Corp.*, 321 S.C. 360, 468 S.E.2d 645 (1996); *Barr v. City of Rock Hill*, 330 S.C. 640, 644, 500 S.E. 2d 157, 159-160 (Ct. App. 1998).

**FURTHER ANSWERING AND AS A FIFTH AFFIRMATIVE DEFENSE AND
COUNTERCLAIM DEFENDANTS ALLEGES**

(Slander)

30. Plaintiffs' statements and actions against Defendants asserting that Defendants converted funds and property belonging to the Plaintiff was slander per se.

31. Plaintiffs' statements were false about Defendants. These slanderous statements were made with knowledge that they were false.

32. The slander by Plaintiffs was with actual malice, that is, with knowledge that the statements were false, or with reckless disregard as to the truth or falsity of the statements.

33. As a direct and proximate result of Plaintiffs' intentional slander, Defendants have suffered, continue to suffer, and will continue to suffer loss of members of the church, damage to their personal and professional reputations, mental anguish and humiliation, and damage to their business as a church.

34. That as a direct and proximate cause of Plaintiff's actions, Defendants and its' members have been damaged and are entitled to an award for damages that a trier of fact should determine.

**FURTHER ANSWERING AND AS A SIXTH AFFIRMATIVE DEFENSE AND
COUNTERCLAIM DEFENDANTS ALLEGES**
(Defamation)

35. Defendants are informed and believe that the Plaintiffs have published statements accusing the Defendants of wrongful behavior and conduct.

36. Defendants are informed and believe that the Plaintiffs intended to cause the Defendants to suffer harm as a result of their statements.

37. Defendants are informed and believe that the Plaintiff has and continues to communicate false statements to members of the community and the church.

38. Defendants are informed and believe that the Plaintiff intended that these statements cause the Defendants to suffer harm and incur hardship.

39. Defendants are informed and believe that the Plaintiffs knew or should have

known that the statements that they made against the Defendants were completely false and untrue.

40. Defendants are informed and believe that persons who either read or heard Plaintiffs' false statements concerning the Defendants understood the statements be defamatory and slanderous of the Defendants' character.

41. Plaintiffs knew or should have known that their statements concerning the Defendants were false, made without reasonable grounds for belief in their truth.

42. Plaintiffs published the statements maliciously with knowledge of their falsity and/or with a reckless disregard for their truth.

43. Plaintiffs' false statements injured the Defendants' reputation among church members, co-workers, friends, and persons in the community and caused Defendants to suffer emotional distress, humiliation, embarrassment, and incur special damages in the form of financial strain, loss of income, and attorney's fees for having to defend against this and other actions.

44. Defendants are informed and believe that they are entitled to reimbursement of loss of income, emotional damages, reimbursement of attorney fees and costs incurred in defending this action from the Plaintiffs' false claims, all other special damages; general damages; and punitive damages associated with the Plaintiffs' libel and slander of the Defendants' reputation and character and as a trier of fact shall determine.

**FURTHER ANSWERING AND AS A SEVENTH AFFIRMATIVE
DEFENSE AND COUNTERCLAIM DEFENDANTS ALLEGES**

(Reservation and Non-Waiver)

45. The Defendants reserve any additional and further defenses as may be revealed by additional information during the course of discovery and investigation, and that are consistent with the South Carolina Rules of Civil Procedure.

**FURTHER ANSWERING AND AS A SEVENTH AFFIRMATIVE DEFENSE
AND COUNTERCLAIM DEFENDANTS ALLEGES**

(DISCOVERY)

46. Defendants reallege each and every allegation in paragraphs 1-45 as if alleged herein.

47. The parties should be authorized and allowed to engage in pre-trial discovery as authorized by the South Carolina Rules of Civil Procedure.

**FURTHER ANSWERING AND AS A SEVENTH AFFIRMATIVE DEFENSE
AND COUNTERCLAIM DEFENDANTS ALLEGES**

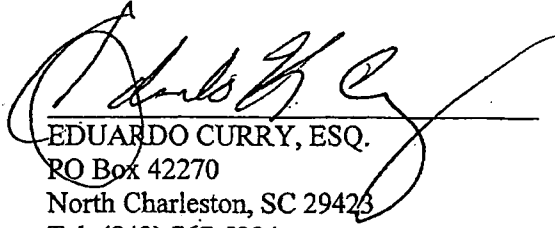
(ATTORNEY'S FEES)

48. Defendants reallege each and every allegation in paragraphs 1-47 as if alleged herein.

49. That Defendants have employed an attorney to represent them and is informed and believes that they are entitled to an Order requiring Plaintiffs pay their attorney's fees and their own reasonable attorney's fees.

WHEREFORE, having fully Answered the Plaintiffs' Complaint, the Defendants pray that the Court dismiss Plaintiffs' complaint and enter judgment in favor of the Defendants against the Plaintiffs in the amount of actual damages, consequential damages, punitive damages as may be determined, an award of costs, attorneys' fees and such other and further relief the Court may deem just and proper.

RESPECTFULLY SUBMITTED,



EDUARDO CURRY, ESQ.

PO Box 42270

North Charleston, SC 29423

Tel. (843) 767-5284

Attorney for Defendants

Charleston, SC
6 day of Nov, 2013

2013-CP-10-3843

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **DEFENDANTS'**
ANSWER AND COUNTERCLAIM has been served upon opposing counsel by hand
delivery, email, or by mailing a copy properly addressed with sufficient postage affixed
thereto this 6th day of November, 2013 to the following:

Darrell Thomas Johnson, Jr., Esq.
PO Box 1125
Hardeeville, SC 29927

FILED
2013 NOV - 8 PM 3:21
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

P. Quinlan
Paralegal

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2013-CP-10-3843

The RMUE through its General Officers)
Barbara B. Clark, Warren E. Hatcher,)
Cassie Keeton, Daniel Green, Powell)
Hampton, Amos Hatcher, Bobby Keeton,)
James Moseley, Willie B. Oliver,)

Plaintiffs,)

vs.)

Payne Church, a corporation,)

Defendants.)

REPLY TO COUNTERCLAIM

FILED
2013 NOV 21 PM 2:23
JULIE J. ARMSTRONG
CLERK OF COURT

TO: EDUARDO K. CURRY, CURRY & HOUSEY, P.A., ATTORNEYS FOR THE
DEFENDANTS ABOVE-NAMED:

The Plaintiffs, by and through their undersigned counsel, hereby reply to the
Counterclaim of the Defendants, and would allege, deny and show unto this Court:

1. Plaintiffs deny each and every allegation of Defendants' Counterclaim not
hereinafter admitted, denied or otherwise qualified.
2. Plaintiffs deny paragraphs thirty (30), thirty-one (31), thirty-two (32), thirty-three
(33), and thirty-four (34) of Defendants' Counterclaim and strict proof is demanded thereof.
3. Plaintiffs deny the allegations contained in paragraphs thirty-five (35), thirty-six
(36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), forty-two
(42), forty-three (43), forty-four (44), forty-eight (48), and forty-nine(49) of Defendants'
Counterclaim and strict proof is demanded thereof.

FOR A SECOND DEFENSE TO THE COUNTERCLAIM

SCRCP, Rule 12 Defenses

5. Further answering the Counterclaim of the Defendants and for a further defense thereto, Plaintiffs allege that Defendants claim for fail for a lack of jurisdiction based on dismissal of the individual defendants, and therefore, all claims against Plaintiffs should be dismissed pursuant to Rule 12 of the South Carolina Rules of Civil Procedure.

6. Further answering the Counterclaim of the Defendants, and for a further defense thereto, Plaintiffs allege that Defendants have failed to state facts sufficient to constitute a cause of action against Plaintiffs, and therefore, all claims against Plaintiffs should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

FOR A THIRD DEFENSE

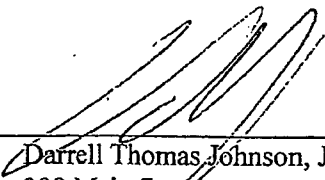
7. Plaintiffs hereby repeat verbatim each and every allegation contained in the preceding paragraphs as if fully rewritten in their entirety.

8. That any statements, oral or written, were both privileged and true.

WHEREFORE having fully replied to the Counterclaim of the Defendants, Plaintiffs pray that this Honorable Court dismiss the Counterclaim in its entirety, grant unto the Plaintiffs the relief requested for in the Complaint, award Plaintiff's attorney's fees and costs in this action, and for such other and further relief as this Court deems just and proper.

LAW OFFICE OF
DARRELL THOMAS JOHNSON, JR., LLC

By: _____


Darrell Thomas Johnson, Jr., Esquire
300 Main Street
Post Office Box 1125
Hardeeville, South Carolina 29927
(843) 784-2142

November 20th, 2013
Hardeeville, South Carolina

5. Further answering the Counterclaim of the Defendants and for a further defense thereto, Plaintiffs allege that Defendants claim for fail for a lack of jurisdiction based on dismissal of the individual defendants, and therefore, all claims against Plaintiffs should be dismissed pursuant to Rule 12 of the South Carolina Rules of Civil Procedure.

6. Further answering the Counterclaim of the Defendants, and for a further defense thereto, Plaintiffs allege that Defendants have failed to state facts sufficient to constitute a cause of action against Plaintiffs, and therefore, all claims against Plaintiffs should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

FOR A THIRD DEFENSE

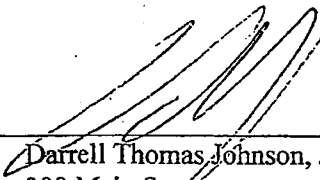
7. Plaintiffs hereby repeat verbatim each and every allegation contained in the preceding paragraphs as if fully rewritten in their entirety.

8. That any statements, oral or written, were both privileged and true.

WHEREFORE having fully replied to the Counterclaim of the Defendants, Plaintiffs pray that this Honorable Court dismiss the Counterclaim in its entirety, grant unto the Plaintiffs the relief requested for in the Complaint, award Plaintiff's attorney's fees and costs in this action, and for such other and further relief as this Court deems just and proper.

LAW OFFICE OF
DARRELL THOMAS JOHNSON, JR., LLC

By: _____


Darrell Thomas Johnson, Jr., Esquire
300 Main Street
Post Office Box 1125
Hardeeville, South Carolina 29927
(843) 784-2142

November 20th 2013
Hardeeville, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2013-CP-10-3843

The RMUE through its General Officers)
Barbara B. Clark, Warren E. Hatcher,)
Cassie Keeton, Daniel Green, Powell)
Hampton, Amos Hatcher, Bobby Keeton,)
James Moseley, Willie B. Oliver,)

Plaintiffs,)

vs.)

Payne Church, a corporation,)

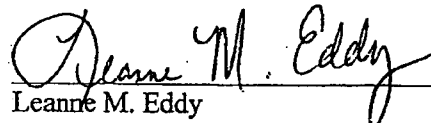
Defendants.)

CERTIFICATE OF SERVICE

FILED
2013 NOV 21 PM 2:23
JULIE J. ARMSTRONG
CLERK OF COURT

The undersigned hereby certifies that I have this 20th day of November, 2013, served a true and accurate copy of Plaintiff's Reply to Counterclaim in the above matter via United States Mail, first class postage affixed thereto, properly addressed to the following:

Eduardo K. Curry, Esquire
CURRY & HOUSEY, PA
Post Office Box 42270
North Charleston, South Carolina 29423


Leanne M. Eddy
Legal Assistant

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2013-CP-10-3843

Payne RMUE Church

Payne Church

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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

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

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court: The Court finds this case appropriate for Complex Case Designation and further Orders that this case be assigned to the Honorable Judge J.C. Nicholson, Jr. to hear and handle all pre-trial motions and all other matters pertaining to this case to include final disposition.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$
		\$
		\$

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

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2134

Judge Code

Date

SCRPC Form 4C (10/2011)

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PLAINTIFF

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DEFENDANT

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COURT

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PROCEEDINGS

THE COURT: I believe we're talking about the Payne RMUE Church, plaintiff v Payne Church Incorporated, defendants is that correct?

MR. JOHNSON: Yes, sir.

MR. CURRY: Yes, Your Honor.

THE COURT: And I understand ---

MR. CURRY: --- Your Honor?

THE COURT: Pardon?

MR. CURRY: In name because we had a consolidation but in name only but I do have some motions before we start this trial.

THE COURT: Okay. First of all I'd like to put on the record that I had a pretrial conference with the attorneys Mr. Thomas Johnson and Eduardo Curry last week and informed the parties that I was going to do some bifurcation in this case. And the bifurcation is I am going to bifurcate out the non-jury issues with the jury issues.

And the court is of the opinion that the non-jury issue as to ownership of the real estate and the property that is attached thereto is a non-jury issue and we are going to try that first. The remaining jury issues as to the conversion and what was the other cause of action?

MR. CURRY: Slander, violating the agreement ---

1 THE COURT: --- liable and slander, that's right
2 would be a jury issue which we can determine at a later
3 date with a jury trial. And that was the court's
4 decision and informed the attorneys last week so they
5 could be prepared this week for trial accordingly. Now
6 Mr. Curry you say you have some motions as to that?

7 MR. CURRY: Yes, Your Honor, I do.

8 THE COURT: Before we get there let me ask you a
9 couple of questions. I've been reading in the history
10 that you had provided to me with the Doctrines and
11 Disciplines of the Reformed Methodist Union Episcopal
12 Church. And there are some holes there in the history
13 and I just wanted to ask you some questions if anybody
14 can fill in these holes, okay?

15 MR. CURRY: Yes, Your Honor.

16 THE COURT: Number one let me see we had AME Church
17 and the history first is a northern portion of AME and a
18 southern portion of AME. What geographical area are we
19 referring to back in the 1800's when the AME was one in
20 the same?

21 MR. CURRY: Judge, I am the right person to answer
22 that question since I do some work for the southern
23 Episcopal district or the African Methodist Episcopal
24 Church. At one point the African Methodist Episcopal
25 Church was part of two actual states North Carolina and

1 South Carolina and that was in southern Episcopal
2 district ---

3 THE COURT: --- so in this history when we refer to
4 the northern members discriminating against the southern
5 members you're talking about North Carolina and South
6 Carolina?

7 MR. CURRY: That's correct, Judge. And then at
8 some point the southern Episcopal district of the African
9 Methodist Episcopal Church became South Carolina only and
10 then you had the ---

11 THE COURT: --- they called that I believe the
12 Reformed Methodist Union Church right?

13 MR. CURRY: Well, Judge ---

14 THE COURT: --- and that was on January 22, 1885.

15 MR. CURRY: They ended up splitting away from the
16 AME church. The AME church has never been the Reformed
17 Methodist Episcopal Church. The African Methodist
18 Episcopal Church came from Methodists ---

19 THE COURT: --- that was my next question. We also
20 have in the history a Reformed Episcopal church and a
21 Reformed Methodist church. When did the Methodist and
22 Episcopal Church those reforms get together and become
23 the I guess the RMUE Church?

24 MR. CURRY: Judge -- we've got some history ---

25 THE COURT: --- I'm just referring to the history

1 and I was trying to read this and there are some holes in
2 the history.

3 MR. CURRY: Right. And I don't know if we provided
4 those or Attorney Johnson. But once they split from the
5 AME church then they started their own organization with
6 regard to eventually demerging along the line and RMUE
7 became the I guess the issue or the denomination that
8 we're talking about today.

9 THE COURT: And according to the doctrine book on
10 December the 5th 1899 is when the RMUE came into
11 existence is that right?

12 MR. CURRY: That's correct.

13 THE COURT: This doesn't really affect the issues
14 that I've got to decide but I just sort of want to try to
15 fill in the blank in my mind on the history okay.

16 THE COURT: But when it came in and started as an
17 organization and then people joined based on the
18 organization itself. Now it's my understanding it's the
19 RMUE, Inc.; it's an incorporation.

20 THE COURT: What was the Reformed Episcopal Church?
21 What was that?

22 MR. CURRY: Just an early derivative and when
23 you're dealing with name changes and I'll give you an
24 example you've got Church of God, you've got Church of
25 God of Prophecy, you've got Church of God in Christ. And

Payne RMUE Church v Payne Church et al
Proceedings
June 15, 2015

1 so as people started to leave they started to add other
2 names in order to get some identification in terms of
3 process. So along the way it sort of metamorphosized and
4 then of course this church then comes up, which actually
5 looking at the Doctrine and Discipline says that they
6 come out of the African Methodist Episcopal Church and
7 they mirror it in a lot of their organizations and
8 structures etcetera.

9 THE COURT: I appreciate that. I believe you have
10 some motions is that correct?

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1 MR. CURRY: Yes, Your Honor. And you know what I'm
2 doing in terms of protecting the record. Judge, we also
3 renew our motion to amend the summary judgment about the
4 fact that these matters are ecclesiastical and suddenly
5 surely wouldn't be actually outside of the purview and
6 subject matter jurisdiction of this court and we'd ask
7 that this case be dismissed based on the fact that we
8 believe the issues are not mutual.

9 And let me tell you one reason why when we're
10 talking about who owns it and whether or not it is the
11 trustees or other trustees. We believe that that's an
12 ecclesiastical matter that should be dealt with. So we
13 want to renew our motion that we had from summary
14 judgment obviously for the record here with regard to it.
15 Number two ---

16 THE COURT: --- let me address that motion first.
17 The court is of the opinion the issue as to who owns the
18 real estate is a legal issue. Now the court doesn't plan
19 on falling over into the church law, okay. I know there
20 is a fine line there but in order to determine ownership
21 I think the court is going to have to make a
22 determination as to who is the actual highest authority
23 within the RMUE Church i.e. I believe the general
24 officers or the Bishop and not any decisions they make
25 but who is the highest authority within the church

1 hierarchy. So for that reason your motion is denied.

2 MR. CURRY: Judge, I also -- I think there are
3 three parties that have to be considered in high
4 authority; you mentioned the Bishop, you mentioned the
5 general officers but the general conference or the
6 delegates is really we believe in terms of the issue of
7 power. So I would ask that when you consider that that
8 third party be put in there.

9 THE COURT: And the court is not going to pass any
10 judgment on what they did other than who is the highest
11 authority in relation to the deeds, okay.

12 MR. CURRY: That's correct, Judge.

13 THE COURT: And that's the only purview this court
14 is going to go into; not whether that decision is right
15 or wrong.

16 MR. CURRY: Very well, Your Honor, but I just
17 wanted to add that third the general conference with the
18 delegates is a position of authority in the Reformed
19 Methodist Union Episcopal Church.

20 THE COURT: I understand. The general delegates
21 meet, the general conference has delegates and they elect
22 the Bishop is that correct?

23 MR. CURRY: They elect the Bishop and they set the
24 rules and the guidelines and the doctrines for the
25 church.

1 THE COURT: How do the general officers fit into
2 that? Are they officers of the general conference?

3 MR. CURRY: They are officers of the Reformed
4 Methodist Union Episcopal Church in terms of they execute
5 things but in terms of making the law the general
6 conference makes the law; that's according to their ---

7 THE COURT: --- and the general conferences are
8 members from the various churches that are members of the
9 organization?

10 MR. CURRY: Yes, Your Honor. From annual
11 conferences delegates from churches, ministerial
12 delegates that are actually elected up and then they all
13 come together in a compilation called general conference
14 which is quadrennial once every four years. That
15 actually deals with the doctrine.

16 THE COURT: The reason -- okay, I understand.
17 What's your next motion?

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1 MR. CURRY: Our next motion would be a lack of
2 standing. Judge, it may be within consolidation but
3 originally the general officers of the church are the
4 ones that filed this lawsuit trying to allegedly recover
5 any property. Our position is that they don't have
6 standing. If you look at the deeds of the church the
7 deeds of the church deal with the trustees of Payne
8 Chapel.

9 And it's our position Judge that the general
10 officers don't have standing to raise the issue that they
11 don't own the property. So we would ask that you dismiss
12 this case on lack of standing because of the fact that
13 the deeds are actually titled in Payne Chapel RMUE and
14 not the trustees of RMUE, Inc. of which they were the
15 people who brought the actual lawsuit.

16 THE COURT: Okay. Your position is the general
17 officers the land is not titled in their names?

18 MR. CURRY: That is correct, Your Honor, and
19 therefore they lack standing to bring this case.

20 THE COURT: Mr. Johnson, you want to address that
21 issue?

22 MR. JOHNSON: Yes, sir.
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Payne RMUE Church v Payne Church et al
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1 MR. JOHNSON: I would draw Your Honor's attention to
2 the fact that this is a consolidation of several cases,
3 either three or four. One was brought by the RMUE, the
4 denomination; that is because they have an interest in
5 their member churches sort of like NATO or even like the
6 federal government had an interest in South Carolina
7 seceding from the union. There was another case brought
8 by almost all of the true officials of Payne RMUE. Then
9 there was another case ---

10 THE COURT: --- when you say officials are you
11 talking about officials, the trustees of that church or
12 are you talking about the general officers or the general
13 conference delegates. I'm just trying for ---

14 MR. JOHNSON: --- the ---

15 THE COURT: --- for my purposes I'm trying to
16 decide when we talk about them who are we talking about?

17 MR. JOHNSON: It was the caption that had all the
18 names in it, a dozen or so names; the very ones that are
19 supposedly being sued for slander was the trustees and
20 stewards and various officers of ---

21 THE COURT: --- individual church?

22 MR. JOHNSON: Of the individual church. And I
23 would respectfully submit that not only would any officer
24 have standing to challenge their church being stolen any
25 member of the congregation would have standing. But the

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1 RMUE denomination, the general officers of the
2 denomination are here because they have an interest in
3 the protection and the participation of a member church.
4 But that's kind of a detail for what we're here for
5 today; particularly the non-jury part.

6 But the other suit and I believe this was done by
7 consent by whichever Judge heard it, we've been up here
8 so many times I've lost track before you took over, but
9 the order says and it was the consensus of both parties
10 we're going to have one case that subsumes all these
11 others and everybody is going to be bound by the result.

12 THE COURT: They just consolidated all the cases
13 and are calling it one?

14 MR. JOHNSON: Yes, sir. So regardless -- and he
15 picked a case number and a case caption and I honestly
16 don't remember which one whether it was by random or by
17 some logic but all the cases including the one brought by
18 the officers of the individual church are subsumed into
19 this case.

20 THE COURT: So we've got the RMUE denomination
21 suit, we got the officers of the RMUE church. What's the
22 third one?

23 MR. JOHNSON: It was the ---

24 THE COURT:) --- that would be the Payne Church
25 Corporation?

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1 MR. JOHNSON: It was one pastor versus the other to
2 determine who was the true pastor and that's pretty well
3 moot and certainly will be moot when you rule on this
4 issue.

5 THE COURT: Let me ask you a question. For
6 purposes of clarification for myself as well as the
7 record can we basically refer to the RMUE church being
8 the local church on James Island and the RMUE
9 denomination which means overall organization the RMUE
10 Church for clarification? Would that simplify as far as
11 the record is concerned on who we're speaking about
12 because RMUE is going to be thrown around this courtroom
13 liberally and it can have different meanings.

14 MR. CURRY: Judge, I never indicate -- we call the
15 defendants Payne Church and call the other one RMUE then
16 you would have some clarity because that's what they're
17 saying it is ---

18 THE COURT: --- I'm just trying to clarify. We've
19 got the Payne Church, we've got the RMUE Church, and
20 we've got RMUE denomination of which is the governing
21 body are both of those churches theoretically.

22 MR. CURRY: So if we call the plaintiff RMUE and
23 call the defendant Payne Church at least we would have
24 some clarity.

25 THE COURT: Then if you're talking about the

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1 overall governing body you can refer to it as RMUE
2 denomination or however you want to put it.

3 MR. CURRY: Or Inc. That's what they call
4 themselves, RMUE, Inc.

5 THE COURT: RMUE, Inc?

6 MR. CURRY: Inc. Yes, Judge that's what they are
7 in terms of their discipline and so certainly that's what
8 they would be here.

9 THE COURT: Okay. As far as your motion on
10 standing that's denied.

11 MR. CURRY: Okay.
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1 MR. CURRY: And then Judge finally we'd ask that
2 you take judicial notice of the Protestant Episcopal
3 Church of the Diocese of South Carolina et al versus the
4 Episcopal Church, et al, 2013-CP ---

5 THE COURT: --- which one is that now?

6 MR. CURRY: Its 2013-CP-18-00113. It was a case ---

7 THE COURT: --- Robert Clark versus Fred Henderson
8 Moore?

9 MR. CURRY: No, Judge it's a case that has just
10 come out from the Supreme Court -- not the Supreme Court,
11 from the 1st district, Judge Goodstein and the Episcopal
12 that whole issue that surrounds ---

13 THE COURT: --- you talking about the Circuit Court
14 case on the Episcopal Church?

15 MR. CURRY: That's correct, Your Honor.

16 THE COURT: I don't have a copy of it. I'll be
17 glad if somebody will pass it up. I don't have any
18 problem if you pass it up.

19 MR. CURRY: Judge, I have a copy printed -- may I
20 approach?

21 THE COURT: Yes, sir.

22 [Whereupon, Mr. Curry provides documents to the
23 court]

24 THE COURT: Is this the order?

25 MR. CURRY: That's the order yes, Your Honor.

1 THE COURT: It's the Circuit Court order?

2 MR. CURRY: That is the Circuit Court order. It's
3 Judge Goodstein, Your Honor.

4 THE COURT: For what purposes are you giving me
5 that? I haven't read the order. I don't know anything
6 about it.

7 MR. CURRY: There will be case law and arguments in
8 terms of strategy in regards to how property is owned and
9 titled and whether or not there is expressed or implied
10 trusts or whether or not ---

11 THE COURT: --- what was that case about? All I
12 know is what I've read a little bit in the paper and
13 sometimes the paper distorts it all.

14 MR. CURRY: The case is actually about you had the
15 Episcopal Diocese and you had some other Diocese or
16 member churches that were a part of it and they ended up
17 deciding who wanted to withdraw because they didn't like
18 what was going on in the main head church.

19 And as a result of withdrawing the question becomes
20 directly like the question here; who owns the property?
21 Who earns the dirt? Who owns the real property and who
22 owns the personal property with regards to it? What
23 ended up happening is through an analysis of which the
24 court actually applied and talked about how the
25 relationship about what goes on and who has possession,

1 who actually maintains it, who actually pays for it, who
2 actually does the construction with regard to it. And
3 their relationship with the national office was money
4 coming down, was money going up and all those things.

5 And eventually what Judge Goodstein made in her
6 order said that the people who were withdrawing actually
7 could own the real and personal property. That's the
8 ultimate; I'm just summing it up. You've got the order,
9 Judge you can read it. As an officer of the court I
10 printed it out from the court's archives. So our
11 argument is that you would take judicial notice about
12 that with regard to case precedent.

13 THE COURT: I'm not going to take judicial notice
14 of its precedent. I'll take judicial notice that it
15 exists, okay.

16 MR. CURRY: Very well, Your Honor.

17 THE COURT: And I'll mark it as a court's exhibit.
18 But I'm not going to take it as precedent because the
19 facts might be entirely different from this case.

20 MR. CURRY: That's fine, Your Honor.

21 THE COURT: I'll take judicial notice that it does
22 exist and I'll mark it as court's exhibit number 1 and
23 the court will consider it persuasive argument if the
24 facts are the same and the issues are the same okay.

25 MR. CURRY: Thank you, Your Honor.

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1 THE COURT: Okay. Mr. Johnson, you got any
2 problem with that?

3 MR. JOHNSON: No sir, none at all.

4 THE COURT: Okay.

5 [Whereupon, court's exhibit number 1 is marked by
6 the court reporter]

7 THE COURT: Please understand I'm not saying it is
8 binding on this court okay.

9 MR. CURRY: I understand.

10 THE COURT: In any stretch of the imagination.

11 MR. CURRY: I'm just using it as ---

12 THE COURT: --- different circuit judge has
13 different opinions about matters.

14 MR. CURRY: I agree, Judge.

15 THE COURT: Until the Court of Appeals or the South
16 Carolina Supreme Court says otherwise, okay.

17 MR. CURRY: I agree. That's just in terms of
18 analysis if you were looking for guidance.

19 THE COURT: I don't have any problem. It will be
20 very interesting. I'm going to learn more about the
21 Doctrines and Disciplines of the Reformed Methodist Union
22 Episcopal Church that I probably want to know. I'll
23 probably learn more about her case than I probably want
24 to know, okay.

25 MR. CURRY: Thank you very much.

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1 THE COURT: Anything else?

2 MR. CURRY: Nothing further, Judge.

3 THE COURT: I believe you brought the action so you
4 want to make a very brief opening statement before you
5 call your first witness?

6 MR. JOHNSON: Yes sir, Your Honor. Normally I
7 don't do that in a non-jury trial but maybe I can...

8 THE COURT: I guess what I'm looking for from both
9 of you is what theory do you think your plaintiffs own
10 the property. And Mr. Curry on what legal theory does he
11 think his group owns the property? And that's the
12 decision I have to make in this case.

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1 MR. JOHNSON: Yes, sir. And as Your Honor has
2 pointed out repeatedly and we fully understand this has
3 to be a business case, a real estate case because the
4 courts have no business in church matters except to the
5 extent that the First Amendment is a privilege but it's
6 also a right. And the courts exist to vindicate rights
7 so that the having a right to a freedom of religion
8 doesn't do much good unless there is a way of enforcing
9 and vindicating that right. So we are here to vindicate
10 the right of Payne RMUE local church to continue to
11 worship in its facilities that it has owned for 100 years
12 or so.

13 Before you will be the deeds, two deeds; one for the
14 sanctuary and one to the cemetery that are to Payne RMUE.
15 Actually the latter deed is a 1960 something deed is to
16 even by name named it George Richardson. Mr. Richardson
17 is present. Mr. Richardson has been an officer of one
18 kind or another in Payne RMUE for several decades. He
19 has done nothing to alienate this property nor has Payne
20 RMUE.

21 The deeds not only name Payne RMUE not some nebulous
22 entity but Payne RMUE which is fairly interesting because
23 frankly in Jasper County most churches don't have deeds;
24 big ones, little ones, black ones, white ones,
25 denominational ones they are just there. You usually

1 can't find the deed to the original church property.
2 These have specific properly recorded deeds to Payne
3 RMUE. Before that there was a lease to Payne RMUE. But
4 after a period of years ---

5 THE COURT: --- it was about 90 years wasn't it?

6 MR. JOHNSON: Yes, sir. And the other church that
7 was the grantor apparently was fused with Payne RMUE and
8 issued a deed to Payne RMUE. I draw your attention
9 without going into ecclesiastical matters but if this
10 were a corporation or some other entity on page 34 is a
11 specific rule in the discipline that addresses a schism
12 or a departure. And it basically says that if a group
13 wants to leave a church they can leave in peace but the
14 assets stay with the original church.

15 Now Payne RMUE continues to struggle along even
16 without a home and we are here in court asking for the
17 return of our church home. Just as a matter of business
18 now there is a purported deed to the cemetery from some
19 individual who claimed to speak for Payne RMUE. However,
20 those individuals had first of all were never duly
21 appointed or never duly constituted as officials. And
22 we'll revisit that idea but they had resigned a day or
23 two before they signed this purported deed so whatever
24 authority they claimed to have they no longer have. And
25 when I say they had no authority before you will be

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1 proof, I hope I don't have to get too deep into, that
2 Fred Henderson Moore was once the Bishop. He was removed
3 as Bishop. The Bishop appoints the pastor and the pastor
4 has certain authorities to appoint certain people. Mr.
5 Junious the pastor of the new Payne Church the defendant
6 claims his authority from former Bishop Moore who had no
7 authority.

8 The people who signed the deed even before they
9 resigned claimed their authority from the very preacher
10 Junious who had no authority. The people who opposed
11 this action like Mr. Richardson whose name is on the deed
12 were perfunctory dismissed, purportedly dismissed by
13 Reverend Junious because they wouldn't get with his
14 program so he purported to pack the core church officials
15 with people who agreed with his agenda and then ---

16 THE COURT: --- and these are all trustees of RMUE
17 Church right, not the general officers?

18 MR. JOHNSON: Yes, sir. The general officers had
19 no role in this. The general officers' only role in this
20 is as a concern over a member church that is now
21 functioning in exile almost. So without resorting to
22 church doctrine if this were a club or a corporation and
23 they deeded away property that the Board of Directors of
24 a corporation were Mr. Smith and Mr. Jones a deed from
25 Mr. Adams and Mr. Henry would be a legal nullity and

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1 that's what we say this recent deed is. And that if you
2 look at the old deeds its simple; it was for Payne RMUE.
3 If you look for an out conveyance or decree or any kind
4 of a document changing title there is none except a deed
5 by people who had no authority to sign a deed. And
6 that's our case plain and simple, Your Honor.
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1 THE COURT: Thank you. Mr. Curry, before you start
2 your opening statements let me ask you one question. In
3 my mind the distinction between Judge Goodstein's
4 Episcopal Church if I understand what you said in that
5 particular situation the churches as a whole withdrew
6 from the national organization for various reasons; I
7 don't know the reasons but withdrew. Then they developed
8 the argument over who owned the assets and the real
9 estate.

10 In this situation this is sort of what I would call
11 a split of a local church. The church didn't leave the
12 national organization; the congregation of the RMUE
13 Church in James Island sort of split. Is that correct or
14 is that incorrect?

15 MR. CURRY: Judge, I would say that is incorrect
16 because of what has happened and obviously a lot of what
17 Attorney Johnson talked about ---

18 THE COURT: --- because the Payne Church at the
19 time of the -- the defendant in this case Payne Church,
20 Incorporation did not even exist within the hierarchy of
21 the RMUE denomination organization is that correct?

22 MR. CURRY: It did not exist ---

23 THE COURT: --- the churches in the Episcopal
24 situation that withdrew all existed at the time ---

25 MR. CURRY: --- well, Judge I ---

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1 THE COURT: --- correct or incorrect?

2 MR. CURRY: Well I think that's incorrect ---

3 THE COURT: --- I'm not saying you want to modify
4 it to your situation but the churches in the Episcopal
5 situation all were in existence and members of the
6 Episcopal denomination on the national level.

7 MR. CURRY: I don't think all of them withdrew
8 Judge and I think in this case it's more like that case
9 because of the fact that originally the associate Bishop
10 Polite had actually expelled the church, Payne Church as
11 a whole not as a splinter. I understand what you're
12 saying is there an internal fight between who are
13 trustees of the church and whether or not the church
14 itself splintered.

15 That happened after the church as a general, the
16 Payne Church was given a letter. I think the letter is
17 December 28, 2012 in which they were expelled, the
18 church. As so as what happened subsequently to that is
19 more similar -- I mean you're talking about the splinter
20 issue I think that's an ecclesiastical issue. The
21 question is whether or not the Payne Church and all of
22 its members were expelled by Bishop Polite who was acting
23 as the Chief Bishop put out of the church and therefore
24 left them outside of the Reformed Methodist Union
25 Episcopal Church. And if that's the case this case is

1 then similar to the Episcopal case because whether it's
2 one church or a hundred churches are leaving or being
3 withdrawn or expelled or suspended it's the same
4 instance.

5 THE COURT: Okay. Let me hear your argument on
6 why you think the Payne Church Corporation is the
7 rightful owner of the real estate in question.

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Payne RMUE Church v Payne Church et al
Opening Statements-Remarks by Mr. Curry
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1 MR. CURRY: Judge, first of all in terms of a
2 little bit of the history and Attorney Johnson gave you
3 some right and some off center that we believe that the
4 titles to the deed are not to the RMUE, Inc. The titles
5 to the deed if they are titled directly are to the
6 trustees of Payne Chapel RMUE in which we believe that
7 our people are the trustees. And so there is no
8 relationship in terms of ownership only just by name in
9 this union which is an informal you can come and go.

10 Their Discipline doesn't even address how you come
11 or go or leave other than termination of membership and
12 they actually say in the book they can go by suspension
13 or withdrawal or death actually creating. So it is the
14 position of Payne Church that the trustees were there,
15 the stewards were there that letter to Polite didn't say
16 we keep our church and we suspend or we expel y'all. It
17 says y'all are no longer a member of RMUE. And once you
18 do that you've got to take everybody; stewards, trustees
19 and the people were unlawfully served.

20 Now I would say to this how people become trustees
21 in the discipline is that you have to be nominated and
22 then elected by the congregation.

23 THE COURT: Well under your theory why do you even
24 have to have a deed?

25 MR. CURRY: Well, Judge I mean a deed ---

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1 THE COURT: --- I mean under your theory why do you
2 even have to have a deed if all you were doing the new
3 trustees of RMUE Church were -- the current members were
4 removed and new ones come in they take over control of
5 the church. Why is there a need for a deed? Under your
6 argument why was a deed even -- basically why was a quit
7 claim deed even done?

8 MR. CURRY: Judge because they and their church
9 were actually put out of the RMUE. So what would they be
10 just the church; they'd have to have a name. To have a
11 name they want to have their property. They maintained
12 the property, they've done the renovations on the
13 property, they exclusively possessed the property, they
14 paid the taxes on the property, they raised the money on
15 the property without any help from RMUE; no money coming
16 down, let us write you a check to help you buy a van. No
17 money coming down let us write you a check to make your
18 life center or your worship center; no money coming down
19 doing any of that.

20 The only relationship if at any at all would just be
21 that they have a relationship with being a hierarchy and
22 they -- and so when they were expelled on December 28,
23 2012 guess what? That church RMUE, Inc. by their bishop
24 separated Payne Chapel RMUE of which the deeds are all
25 titled to; the trustees not to the general church, not to

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1 the generic RMUE but specifically to the trustees of
2 RMUE. And so the trustees of RMUE at that point when
3 Bishop Polite cut them out were our people.

4 THE COURT: Is the Payne Church Corporation a
5 member of the RMUE denomination?

6 MR. CURRY: Not anymore.

7 THE COURT: All right.

8 MR. CURRY: Because what has happened is once they
9 put them out then they incorporated and became an
10 incorporation and the trustees that were there that were
11 not suspended, that were not terminated, that were not
12 any of that because what they could have done was said
13 we're going to take the stewards and we're going to take
14 the trustees and we're going to put you out and therefore
15 we're going to put our people in and that did not occur
16 Judge.

17 And so here you have a church that is operating and
18 has an infrastructure that occurs and you've got to put
19 the discipline that puts them in there. So unless the
20 other church can show hey the RMUE we had an election to
21 the congregation and these people put in, which is an
22 ecclesiastical matter at best and at worst certainly
23 wouldn't actually be able to show ownership unless they
24 can show that it predates what our people did and they
25 can't show that.

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1 THE COURT: Okay. Anything else?

2 MR. CURRY: No, Judge.

3 THE COURT: Thank you very much. Mr. Johnson, you
4 can call your first witness please. Do y'all have a
5 witness list that you can share with the court by any
6 chance?

7 MR. CURRY: Judge, I think in the pretrial ---

8 THE COURT: --- in the pretrial there was a whole
9 list of 25 or 30 on it. I hope on the issue we are here
10 we're not going to hear 25 witnesses.

11 MR. CURRY: Judge, I can pair mine down based on
12 what their case is chief actually does Your Honor,
13 respectfully. I just don't know.

14 MR. JOHNSON: We'd call Barbara Clark.

15 THE COURT: Okay.

16 MR. JOHNSON: Your Honor, may I inquire of Mr.
17 Curry if he has any objection to our proposed exhibits?

18 THE COURT: I don't know what they are. Have you
19 seen them Mr. Curry?

20 MR. CURRY: Your Honor, he put a stack here and I'm
21 not sure what the exhibits are but I'd like for him to
22 use them.

23 THE COURT: How about look at them real quick and
24 if you can tell me which ones you consent to and which
25 ones you can't that may speed up the testimony from his

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1 perspective, okay.

2 MR. CURRY: Yes, sir.

3 [Whereupon, Mr. Johnson provides documents to the
4 court]

5 THE COURT: Thank you very much.

6 [Whereupon, Mr. Johnson and Mr. Curry review
7 documents]

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1 [Whereupon, Ms. Clark comes forward]

2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]

4 CLERK OF COURT: Once seated if you could please
5 state your first and last name and then spell your last
6 loudly and clearly into the microphone for the record.

7 THE WITNESS: My name is Barbara B. Clark, B-A-R-B-
8 A-R-A, B, Clark C-L-A-R-K.

9 THE COURT: You said B Clark?

10 THE WITNESS: Yes, Bush; I just use my middle
11 initial.

12 MR. CURRY: Your Honor, if I could just put on the
13 record I have no objection to one ---

14 THE COURT: --- here's the list if you want to look
15 at it, if you want to refer to it that way.

16 MR. CURRY: That's fine, Judge.

17 THE COURT: You have an objection to one. What
18 about two?

19 MR. CURRY: One, two was the general conference.
20 I've got an objection to that Judge.

21 THE COURT: What's your objection?

22 MR. CURRY: The question is I don't see that it's
23 been notarized and I don't know who is the direct
24 custodian and I'd need to see ---

25 THE COURT: --- so your objection is

1 authentication?

2 MR. CURRY: Authentication, yes Judge. The same
3 with 3-A Your Honor; that's some minutes. Three, I have
4 no objection to it. Four I have an objection to
5 authentication and dates and time. Five I have an
6 objection to it just relevancy Judge and ecclesiastical
7 objections. Judge may I just make that objection run
8 through with regard to it?

9 THE COURT: Which one?

10 MR. CURRY: For 5 and 6.

11 THE COURT: You said relevancy?

12 MR. CURRY: Yes, Judge.

13 THE COURT: Okay. Two, 3-A, and 4 you're talking
14 about authentication right?

15 MR. CURRY: Yes, Judge.

16 THE COURT: Okay. One and 3 no objection.
17 Admitted without objection right?

18 MR. CURRY: That's correct, Your Honor.

19 THE COURT: Mr. Johnson, 1 and 3 are admitted
20 without objection. Two, 3-A, 4 he says they need to be
21 authenticated, 5 he objects to on relevancy. If you'll
22 give me your list back I'll mark them.

23 MR. CURRY: And 7 I think that's the last one.

24 THE COURT: Do you have any objection to 7?

25 MR. CURRY: No objection, Your Honor.

1 THE COURT: What about 6? That's the letter of
2 resignation of Herman Boles.

3 MR. CURRY: No 6 is the ---

4 THE COURT: --- I'm sorry; RMUE memo signed
5 Reverend Leroy Simms, Jr. as pastor of Payne RMUE Church
6 dated October 27th. Do you object to that?

7 MR. CURRY: Well, Judge just to relevancy.

8 THE COURT: Okay. So I'll say again 1, 3, 7
9 admitted without objection, 2, 3-A, and 4 authentication,
10 5 and 6 relevancy.

11 [Whereupon, plaintiff's exhibit numbers 1, 3, and 7
12 are entered into evidence by the court]

13 THE COURT: Mr. Johnson, you may proceed.

14 - - - - -

15 BARBARA CLARK,

16 Having been first duly sworn,

17 Was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. JOHNSON:

20 Q. Give us your name please, ma'am?

21 A. Barbara Bush Clark.

22 Q. And Ms. Clark do you hold an office with the RMUE
23 denomination?

24 A. Yes, I do.

25 Q. And what is that office?

1 A. I am the general secretary of the Reformed Methodist
2 Union Episcopal Church.

3 Q. And how long have you held that office?

4 A. May will be 8 years.

5 Q. Okay. And in that capacity among your duties are
6 you one of the custodians of the official books and
7 records of that church, of that denomination?

8 A. Yes sir, I am.

9 Q. And just to eliminate any curiosity are you a member
10 of the Payne RMUE Church?

11 A. No, I'm not a member of Payne. I'm a member of
12 Greater Mount Olive.

13 Q. Okay. And Mount Olive is in Hardeeville, South
14 Carolina or below Hardeeville, is that correct?

15 A. Yes, sir.

16 Q. And the RMUE is a denomination composed of many
17 churches in many counties is that correct?

18 A. Yes, sir. We serve the South Carolina and Georgia
19 jurisdictions.

20 Q. Okay. Let me show you a document bearing the stamp
21 plaintiff's exhibit 2. Can you identify that document
22 just yes or no?

23 [Whereupon, the witness is shown exhibit]

24 A. Yes, sir.

25 Q. And is that document a copy of a document kept in

1 the normal course of the business of the RMUE
2 denomination?

3 A. Yes, sir.

4 Q. All right. Thank you, ma'am.

5 MR. JOHNSON: Your Honor, I move this into evidence
6 as ---

7 THE COURT: --- any objection to 2?

8 MR. CURRY: No objection, Your Honor.

9 THE COURT: All right. Two admitted with the
10 previous objection of authentication and now admitted
11 without objection.

12 MR. CURRY: That's correct, Your Honor.

13 [Whereupon, plaintiff's exhibit number 2 is entered
14 into evidence by the court]

15 Q. [Mr. Johnson] Let me show you a document marked 3-A
16 and ask you yes or no is that a copy of a document kept
17 in the normal course of business of RMUE denomination?

18 [Whereupon, the witness is shown exhibit]

19 A. Yes, sir.

20 Q. Thank you.

21 MR. JOHNSON: Your Honor, we move that into
22 evidence.

23 THE COURT: Any objection to 3-A?

24 MR. CURRY: Not anymore.

25 THE COURT: All right, 3-A admitted without

1 objection.

2 [Whereupon, plaintiff's exhibit number 3-A is
3 entered into evidence by the court]

4 THE COURT: What is 3-A, Mr. Johnson?

5 MR. JOHNSON: That is the amendment to the
6 Discipline. It's sort of like the pocket parts of the
7 code.

8 THE COURT: Okay. The amendment to this Book of
9 Discipline?

10 MR. JOHNSON: Yes, sir. And it relates to the
11 elimination of the Bishop Polite concept.

12 THE COURT: Okay.

13 Q. [Mr. Johnson] Let me show you ---

14 MR. CURRY: --- Judge I would also -- I thought
15 that had something with relevance. I raised that as
16 well; authentication and relevancy with regard to this
17 proceeding. And the reason I'm raising it is that Bishop
18 Moore's case has nothing to do with this case if you're
19 talking about ownership.

20 THE COURT: I understand. As the court said at the
21 very beginning I'm not going to delve into whether Mr.
22 Moore was removed properly or not properly. All I'm
23 trying to delve into is who had the authority to transfer
24 this property. And I think in order to do that I've got
25 to make a determination of what for lack of a military

1 background change of command would be, okay.

2 MR. CURRY: That's fine, Judge.

3 THE COURT: That's the only reason I'm looking at
4 it.

5 MR. CURRY: All right, Judge.

6 THE COURT: Do you still object to 3-A on
7 relevancy?

8 MR. CURRY: I do, Judge. I'll leave that objection
9 that you've ruled on it and I understand why you're doing
10 it.

11 THE COURT: I'll just hold it in abeyance until we
12 hear the relevancy on that issue on to whether or not the
13 church was proper in doing away with lifetime bishops.

14 Q. [Mr. Johnson] Madame Secretary, let me show you
15 plaintiff's exhibit 4 and ask you if that is a document
16 that has come to be a part of the records of the RMUE
17 denomination or originated?

18 [Whereupon, the witness is shown exhibit]

19 A. Yes, sir.

20 Q. Can you recognize that document?

21 A. Yes, sir.

22 Q. And what is that document?

23 A. This is a document from Payne RMUE Church on their
24 official list of who their stewards are and who their
25 Board of Trustees are. And it was signed by the pastor

1 at that time Leroy Simms and the Bishop of the RMUE
2 Church, Grady Polite, Jr.

3 Q. Okay. And either in context or from memory can you
4 tell us what year that would relate to?

5 A. We have been through this so much I'm a little mixed
6 up on the years but I know it was in the last two years
7 because that's when Reverend Richardson was assigned
8 there after Reverend Simms.

9 Q. Let me go on to ---

10 THE COURT: --- do you have any objection to 4 as
11 to relevancy?

12 MR. CURRY: Not to relevancy but authenticity,
13 Judge. She can't recall the date or time or when it was
14 actually done.

15 THE COURT: But can she identify the letter as a
16 list of officers within the last two years.

17 MR. CURRY: But Judge, that's the whole thing about
18 this is a tight window. So I respectfully will maintain
19 my objection that she cannot authenticate it, there is no
20 date or time. If it happened yesterday or the day before
21 you understand or last month or even last year there
22 would be some issues with regard to it.

23 MR. JOHNSON: Your Honor, if I can ask one more
24 question I believe I can eliminate that.

25 THE COURT: Yes, sir.

1 Q. [Mr. Johnson] Ms. Clark, can you identify exhibit
2 marked 6?

3 [Whereupon, the witness is shown exhibit]

4 A. Yes, sir.

5 Q. And is that also a document kept in the normal
6 course of business of Payne -- excuse me, of the RMUE
7 denomination?

8 A. Yes, sir.

9 MR. CURRY: Your Honor, can I approach? I don't
10 have the numbers that he gave me and I want to see what
11 document that is. May I approach, Your Honor?

12 THE COURT: Yes, sir. That's the memo assigning
13 Reverend Leroy Simms as pastor of Payne RMUE dated
14 October 27, 2014 is what it is.

15 Q. [Mr. Johnson] And does that have a date on it
16 anywhere that would relate to exhibit 5?

17 A. Yes sir, December 2012, which I said was a couple of
18 years ago.

19 Q. Okay. All right. Now let me ask you again what
20 year that slate of officers would have been -- to what
21 year that slate of officers would have been relevant?

22 A. These slate of officers and this was December 2012
23 they would have come into existence like January 2012
24 because Reverend Simms could never get into the church as
25 pastor.

1 Q. Let me ask it another way. Does exhibit 4 reflect
2 the true officers of Payne RMUE at the time the -- before
3 the deed was signed?

4 A. Yes, sir.

5 MR. JOHNSON: Your Honor, I move number 4 and
6 number 6 into evidence. I realize I've skipped 5 ---

7 THE COURT: --- any objection to 4?

8 MR. CURRY: Yes, Your Honor. What is 4 Judge?

9 THE COURT: That's the list of officers of Payne
10 RMUE church. She said it was effective from January '12
11 I believe through December 31, '12 ---

12 MR. CURRY: No, Judge she said it was effective
13 January of 2012. I wrote that down ---

14 THE WITNESS: It was '13, '13.

15 MR. CURRY: Your Honor, I would say that if she is
16 under oath and said January of 2012 then she cannot
17 authenticate that because the letter in and of itself
18 said the pastor was held and appointed December 5, 2012.
19 So, Your Honor her testimony in and of itself is not
20 going to corroborate.

21 THE WITNESS: I meant January of 2013.

22 THE COURT: I thought she said the officers were in
23 effect January '12 through December of '12 is what I
24 thought she said.

25 MR. CURRY: No, Your Honor ---

1 THE COURT: --- please clarify it Mr. Johnson.
2 MR. JOHNSON: Yes, sir.
3 MR. CURRY: Your Honor, I object, Your Honor.
4 THE COURT: Okay. That's fine. Overruled.
5 Clarify it.
6 Q. [Mr. Johnson] Ms. Clark, let me just start over. As
7 to exhibit 4 are some or all of these officers appointed
8 by the pastor of the church?
9 A. Yes, sir.
10 Q. And when is that typically done?
11 A. When a new pastor is sent to the church after the
12 annual conference they elect the members and appoint.
13 Q. And is that done within a few weeks of the new
14 pastor being appointed?
15 A. Yes, sir.
16 Q. And this bears the signature of Reverend Simms is
17 that correct?
18 A. Yes.
19 Q. And when was Reverend Simms' appointment?
20 A. Reverend Simms' appointment was in December of 2012.
21 Q. Okay. And is it your testimony this slate of
22 officers would have been ---
23 MR. CURRY: --- objection, Your Honor, leading the
24 witness.
25 THE COURT: I'll sustain it. Don't lead the

1 witness. Rephrase your question please.

2 Q. [Mr. Johnson] Inferentially when would ---

3 THE COURT: --- let me make one comment. I don't
4 mind listening to any objection anybody wants to make but
5 let him finish the question before you make an objection
6 because I never did hear his question. I don't know --
7 quite frankly I sustained the objection but I don't know
8 if it is leading or not because he didn't finish it.

9 MR. CURRY: Very well, Your Honor.

10 THE COURT: Please proceed.

11 Q. [Mr. Johnson] Inferentially when would that slate of
12 officers have been appointed?

13 MR. CURRY: Objection, Your Honor.

14 THE COURT: Overruled.

15 A. In exhibit 4 these slate of officers were appointed
16 at Payne RMUE church under Reverend Leroy Simms. And
17 Reverend Simms went there on the 9th day of December is
18 when his credentials were issued.

19 Q. [Mr. Johnson] Of what year?

20 A. 2012. So these officers had to have been appointed
21 in January of 2013, the next month.

22 Q. Okay.

23 THE COURT: Do you have any objection to number 4 as
24 far as authentication? I'm not going to address the
25 relevancy issue. As far as authenticating the document

1 do you have any objection?

2 MR. CURRY: Judge, yes.

3 THE COURT: What's your objection?

4 MR. CURRY: My objection is that she's not the
5 record keeper of the local churches, appointing of
6 officers or our trustees ---

7 THE COURT: --- as far as authentication of
8 document 4 that's overruled. I'm not saying it's
9 relevant, okay.

10 MR. CURRY: That's fine.

11 THE COURT: But I think she has properly identified
12 the time issue on 4. She said Simms was appointed in
13 December 9th and they had to be appointed by I guess the
14 church, the denomination in January so your objection is
15 overruled.

16 MR. CURRY: Judge, may I address it just for a
17 moment?

18 THE COURT: Yes, sir.

19 MR. CURRY: Now, she's saying that pastoral
20 appointment was in December of ---

21 THE COURT: --- she said I think December 9, 2012.

22 MR. CURRY: Yes, Judge. That's not how trustees
23 get on and become trustees of a church. And so they have
24 not established a date or a time ---

25 THE COURT: --- can't you deal with that on cross?

1 MR. CURRY: I will.

2 THE COURT: You can deal with that on cross. She
3 identified the document. I'm going to overrule you as
4 far as authenticating on the document okay.

5 MR. CURRY: That's fine, Your Honor.

6 MR. JOHNSON: Your Honor, we would also move
7 plaintiff's 6 into evidence.

8 THE COURT: Any objection to 6.

9 MR. CURRY: And 6 is what, Your Honor?

10 THE COURT: That's RMUE memo assigning Reverend
11 Leroy Simms as pastor of Payne RMUE church dated October
12 27, 2014.

13 MR. CURRY: I still have the relevancy. She can
14 authenticate it Judge but I still have an issue of
15 relevancy.

16 THE COURT: That's fine. As far as the
17 authentication you're overruled. As far as relevancy
18 we'll decide at a later date -- a later time, okay.

19 MR. CURRY: Thank you, Your Honor.

20 Q. [Mr. Johnson] Let me also show you plaintiff's
21 exhibit 5 and ask you if you can identify that?

22 [Whereupon, the witness is shown exhibit]

23 A. Yes, sir.

24 Q. And what is that?

25 A. This is a resolution that was when the general

1 officers met where we passed that Fred Henderson Moore
2 was removed as bishop for over two years before this
3 letter was assigned on September 27, 2014.

4 THE COURT: Any objection to number 5?

5 MR. CURRY: Judge only with regard to relevancy.

6 THE COURT: Mr. Johnson you want to talk to me
7 about relevancy on number 5. It just says apparently
8 they issued a letter saying Mr. Moore had been removed by
9 this organization two years prior.

10 MR. JOHNSON: Yes, sir. The relevancy and perhaps
11 I am ---

12 THE COURT: --- I'm not sure until I hear some more
13 testimony.

14 MR. JOHNSON: Yes, sir. Perhaps this even should
15 be a rebuttal document but I am anticipating ---

16 THE COURT: --- why don't we hear the testimony and
17 if you tie in the relevancy I'll admit it and if you
18 don't right now I don't see how it is relevant.

19 MR. JOHNSON: Okay.

20 Q. [Mr. Johnson] Ms. Clark, is Payne RMUE still a
21 church in good standing in the RMUE denomination?

22 A. Yes sir, Payne RMUE is still in good standing.

23 Q. All right. Now I anticipate you being asked about
24 an intemperate letter by Bishop Polite some time ago.

25 Has Payne RMUE ever been formally evicted or

- 1 disassociated from the RMUE church?
- 2 A. No, sir. You're talking about the Payne where
- 3 Reverend Richardson serves as pastor right?
- 4 Q. Yes.
- 5 A. No, they have not ---
- 6 Q. --- are they RMUE?
- 7 A. Right.
- 8 Q. Where do they hold their services?
- 9 A. They go to Jerusalem RMUE Church on Magnolia Drive
- 10 and have services in the afternoon when Jerusalem is
- 11 finished with service or if Jerusalem is not having a
- 12 second service.
- 13 Q. Okay. And does the denomination collect dues or
- 14 some form of contribution from the local churches?
- 15 A. Yes, sir. You have a taxation that is put on that
- 16 goes across the board for all the churches in the
- 17 denomination and the paid amount is totaled by the amount
- 18 of members that you have on the roll.
- 19 Q. And is Payne RMUE Church paying those assessments
- 20 and dues?
- 21 A. Yes, sir.
- 22 Q. Now was there a time when they were delinquent in
- 23 that regard?
- 24 A. Yes, sir.
- 25 Q. And the letter of expulsion that Mr. Curry referred

1 to is that something in the nature of a dun or an
2 admonition from ---

3 MR. CURRY: --- objection, Your Honor.

4 THE COURT: What's your legal objection?

5 MR. CURRY: Leading the witness, Judge. She's got
6 to explain it, Your Honor.

7 THE COURT: Overruled. Go ahead.

8 A. The letter was sent to Payne over on James Island,
9 Payne Independent they were at that time simply because
10 they did not pay any dues at the annual conference being
11 held. They did not send any delegates or anything.

12 So therefore in the annual conference you are not a
13 member of the annual conference until your dues are paid.
14 And that's with ministers and everything. Everybody have
15 a set due that they have to pay.

16 Q. [Mr. Johnson] Has there ever been any proceeding in
17 the denomination to terminate the membership or
18 affiliation of Payne RMUE Church?

19 A. No, sir. We sent several ministers. They would not
20 let them in. The police had to be called every Sunday.

21 Q. All right. Without getting into that...

22 MR. JOHNSON: Your Honor, that's all I have of this
23 witness at this time.

24 THE COURT: Okay. Cross-Examination.

25

1 CROSS-EXAMINATION

2 BY MR. CURRY:

3 Q. Good morning Ms. Clark. I'm Eduardo Curry. How are
4 you doing this morning?

5 A. I am doing just fine and yes I know you Eduardo
6 Curry.

7 Q. Okay. I want to ask you a couple of questions.
8 You are familiar --

9 MR. CURRY: Your Honor, may I approach the witness?

10 THE COURT: Yes, sir.

11 Q. [Mr. Curry] You are familiar with your exhibit
12 number 3 which is the Doctrine and Discipline of the RMUE
13 Church is that correct?

14 A. I am familiar with it, Your Honor, but I am not at
15 this point saying that off the top of my head I know
16 everything that is in here but I am familiar. This is
17 our discipline with amendments that we operate by.

18 Q. All right. If you would, turn to page 40.

19 [Whereupon, the witness complies]

20 Q. Do you have it at subsection B trustees?

21 A. Yes.

22 Q. Are you familiar with that section?

23 A. If I read it I will be familiar with it again.

24 THE COURT: Do you want to give her this copy?

25 A. I have it right here.

1 MR. CURRY: She has a copy, Judge.
2 Q. [Mr. Curry] Now, there are two type of trustees at
3 your church would you be fair to say?
4 A. No, I don't know of two types.
5 Q. All right. What about are there RMUE, Inc.
6 trustees?
7 A. You keep referring to this Inc. Are you talking
8 about the corporation that you all went behind RMUE's
9 back and put in folks or are you talking about the
10 original RMUE church?
11 Q. I'm talking about the RMUE church, the national
12 church. Y'all have a national church correct?
13 A. No, sir. We have two state jurisdiction churches;
14 Georgia and South Carolina. We're not in the national
15 and I'm not aware of a national RMUE denomination.
16 Q. Will you turn to page number 5? That's your
17 Discipline right?
18 [Whereupon, the witness complies]
19 THE COURT: What page?
20 MR. CURRY: Page 5, Judge.
21 Q. [Mr. Curry] If you will, go down to paragraph 5.
22 A. Uh Huh.
23 Q. It says during this conference four lay persons were
24 elected trustees of the Reformed Methodist Union
25 Episcopal Church.

- 1 A. Uh Huh.
- 2 Q. Those are your Reformed Methodist Episcopal Church
3 trustees correct?
- 4 A. Yes.
- 5 Q. All right. And one of them is Brother Ceaser
6 Jenkins correct?
- 7 A. Uh Huh.
- 8 Q. Is that yes?
- 9 A. Yes.
- 10 Q. Now since you're the secretary do you have anywhere
11 in your records where Ceaser Jenkins is no longer one of
12 the trustees for the Reformed Methodist Union Episcopal
13 Church?
- 14 A. If I'm answering this correctly I don't have
15 anywhere but these trustees now are appointed by the
16 Bishop in charge. And we have -- they are called the lay
17 delegates from my understanding. We have three lay
18 delegates, one from each district.
- 19 Q. Okay. And Ceaser Jenkins is still an RMUE trustee?
- 20 A. Not if we have amended this.
- 21 Q. Have you amended it?
- 22 A. When we appointed lay delegates it was amended and
23 I'm quite sure it's in that same pamphlet that you have
24 with some of the amendments.
- 25 Q. Let's go back to trustees ---

1 MR. JOHNSON: --- Your Honor ---

2 Q. [Mr. Curry] --- page 4 ---

3 MR. JOHNSON: I would object to ---

4 THE COURT: --- hold on. If you've got an
5 amendment give her the right amendment as to what you're
6 talking about when she says it's not current. Give her
7 the amendment we're talking about get it up to date.

8 MR. CURRY: There is no amendment. There is not
9 one. No one produced them. They're not in the records
10 they produced.

11 THE COURT: Is there an amendment?

12 Q. [Mr. Curry] Is there an amendment?

13 A. We now appoint lay delegates and it was done in the
14 general conference. We have three lay delegates. There
15 is one from each district.

16 MR. JOHNSON: If Your Honor, please? I have an
17 objection to relevancy. I realize there is broad
18 latitude to cross-examination but this is about the
19 denominational appointment of officers that have nothing
20 to do with this case. So I object to the relevance. I
21 also object to the fairness of giving the general
22 secretary a pop quiz on irrelevant matters for which she
23 has no reason to have documents in this court.

24 THE COURT: How does it make a difference as far as
25 the court determining who owns this property on whether

1 the lay delegates to the conference are appointed or
2 elected? What's the relevance? What does that have to
3 do with anything?

4 MR. CURRY: Judge, the relevance in the Doctrine and
5 Discipline it talks about how trustees actually become
6 trustees so I asked her about the RMUE trustees. I'm now
7 on page 4 and asked her about local trustees. Her
8 testimony previously has been the pastor appointed the
9 trustees and ---

10 THE COURT: --- then get to it. Get to the point,
11 okay.

12 MR. CURRY: Okay.

13 MR. JOHNSON: If Your Honor, please?

14 THE COURT: Yes, sir?

15 MR. JOHNSON: I would object to -- I guess I'm
16 objecting to the form of the question. I asked her in
17 regard to that list if any of those people on that list
18 were pastoral appointments merely to get a date. She did
19 not testify that the trustees were appointed by the
20 pastor. She merely testified that somebody on that list
21 was appointed by the pastor just in order to tie it to
22 the date.

23 MR. CURRY: Judge ---

24 THE COURT: --- hold on a second. Okay, I
25 understand. As far as your objection on relevancy it's

1 overruled. Go ahead. It's cross-examination. I'm going
2 to give him some wide latitude, okay on cross.

3 MR. CURRY: Thank you, Your Honor.

4 Q. [Mr. Curry] If you will turn to page 40.

5 [Whereupon, the witness complies]

6 Q. You've been a member of RMUE how long?

7 A. Almost 30 years.

8 Q. And you've been secretary at least for the general
9 church for at least eight years on your testimony
10 correct?

11 A. Yes, sir.

12 Q. Have you ever been a trustee of an RMUE church?

13 A. I serve on the trustee board in my church now.

14 Q. Yes, you do. Is that Mount Olive?

15 A. Yes, Greater Mount Olive.

16 Q. Greater Mount Olive?

17 A. Yes.

18 Q. And how did you become a trustee of Greater Mount
19 Olive?

20 A. I became a trustee of Greater Mount Olive because I
21 was appointed by the pastor.

22 Q. Were you elected by the congregation?

23 A. I was appointed by the pastor.

24 Q. I asked you were you elected by the congregation?

25 A. No.

1 Q. Let's look at the Discipline at page 40 okay. If
2 you will look at the mode of election do you see that in
3 sub number 3?

4 A. Yes.

5 Q. Before we get into that can you show me in your
6 Discipline when it deals with trustees that a pastor can
7 appoint trustees.

8 A. I don't where that is in here but I do know that the
9 pastor has all authority -- an RMUE pastor has all
10 control over every board in an RMUE church.

11 They can override any decision that is made on an
12 RMUE board. If the pastor decides to put somebody on
13 their board he has that authority to do so.

14 Q. And where is that in the Book of Disciplines or your
15 amendments?

16 A. I don't where it is here. I don't know where it is
17 in the amendments but I do know it's in here that the
18 pastor supersedes.

19 Q. All right. Let us go down to number 1. Can you
20 follow me? It says the number of trustees and what does
21 it say for the number of trustees?

22 A. For each church shall not exceed less than 3 or not
23 more than 19.

24 Q. So for each church there shall not be less than 3
25 and not more than 19 correct?

- 1 A. Yes, sir.
- 2 Q. And number 2 it tells us about qualifications. I'll
3 read it for you and you tell me if I'm reading it wrong.
4 Each person to be elected trustee shall be 18 years of
5 age or over and shall have been a member of the church
6 not less than 6 months. Do you see appointment in there
7 by the pastor?
- 8 A. It's not here but its other things in this
9 Discipline also Eduardo.
- 10 Q. Okay. Let's go down to mode of election
11 subsection. It says a) whenever the law of the land
12 requires a specific mode of election the mode shall be
13 observed in electing trustees. That's correct what I
14 read correct?
- 15 A. According to the discipline it is.
- 16 Q. All right, b) when the civil law does not intervene
17 the trustees shall be elected annually by the members of
18 the church. That's correct as I read it correct?
- 19 A. Yes.
- 20 Q. Okay, c) the minister in charge shall appoint the
21 time and place for holding the election and give notice
22 of the same from the pulpit at least 10 days including
23 two consecutive Sundays previous to the time of election.
24 That's what the Discipline says correct?
- 25 A. And that's the way Payne trustees was elected, yes.

1 Q. All right d) the minister at the meeting for
2 election shall nominate twice the number of persons to be
3 elected correct?

4 A. According to the Discipline.

5 Q. All right, e) every member of the church 18 years of
6 age or over and in full communion shall have the right to
7 vote for the nominees and if present at the meeting shall
8 cast a ballot for their choice.

9 And so the election shall proceed until by a
10 majority of votes cast the required number of trustees is
11 elected. The minister in charge then shall make a
12 declaration of results. I read that as correct, correct?

13 A. Yes, sir. Can you read on? The chairman ---

14 Q. --- I'm asking the questions, ma'am. Let me just
15 ask you the questions, okay?

16 A. Okay.

17 Q. I'll hand you what has been previously marked as
18 defendant -- or plaintiff's exhibit number 4.

19 [Whereupon, the witness is shown exhibit]

20 Q. You've already said that you knew something about
21 that correct?

22 A. Uh Huh.

23 Q. Can you tell me when an election was done for that
24 list of officers to be produced for trustees?

25 A. It was done at Jerusalem RMUE Church where Payne was

1 holding their services. And the members of Payne RMUE
2 Church who are here can attest that they did hold an
3 election to elect their trustees.

4 Q. Isn't it true you have no personal knowledge about
5 when the notices were given for the two previous Sundays
6 or what happened with regard to the election?

7 A. Yes, I do have knowledge because the members keep
8 calling me. I could not live this nightmare down. I
9 wish I didn't have any.

10 Q. Okay. I'm going to hand you plaintiff's exhibit 6.

11 [Whereupon, the witness is shown exhibit]

12 Q. On that you said that Pastor Simms was appointed by
13 I guess Bishop Polite somewhere between December 5th and
14 December 9th, 2012 correct?

15 A. Correct. This is when the annual conference was
16 held.

17 Q. And when was the election held in relation to the
18 pastor being appointed?

19 A. Repeat that please?

20 Q. When was the election held for the trustees of that
21 list and that's exhibit 6 -- no, exhibit 4. When was
22 that election held?

23 A. I cannot answer that off the top of my head but I
24 guarantee you I have it in my records.

25 Q. Now why would you have it in your records when this

1 is a local church election and you keep national records?

2 A. I don't keep national records, sir. I'm not
3 involved in a national organization.

4 Q. Are you the secretary ---

5 A. --- but I am the secretary of the RMUE Church and
6 when Payne RMUE was going through all of this they sent
7 documents, they sent information so that the general
8 officers would know what is transpiring in the church.
9 We are over these churches and we're supposed to know
10 what's going on in the churches at all times.

11 Q. Where are your records kept?

12 A. My records are kept at the church or in the file
13 cabinet at the house.

14 Q. All right. And are you saying to this court that
15 you have records showing that when the election was done
16 and the call for the election are in your records where;
17 in the church or the house?

18 A. Probably at the house. It's one or the other
19 because I work from both of them.

20 Q. Now you're not the financial secretary of Payne RMUE
21 are you?

22 A. No sir, but we sure was footing the finance.

23 Q. And you're not the financial secretary or the
24 treasurer for RMUE the jurisdictional church over Georgia
25 and South Carolina are you?

1 A. I write all the checks, sir.

2 Q. So are you the financial secretary?

3 A. You could say recording slash financial.

4 Q. Then I've got to ask you a question.

5 A. Yes, sir.

6 Q. How much in arrearage was the Payne RMUE Church when
7 they received that December 28th letter from Bishop
8 Polite?

9 A. I don't know. See, that's the Payne independent.
10 They didn't keep us informed as to what was going on so I
11 don't know how much in the red. The only thing I know is
12 they didn't bring their 20,000 dollars that they were
13 supposed to bring to the annual conference.

14 Now I know that. I know that much. They were due
15 to report 20,000 dollars to the annual conference and
16 they didn't do it.

17 THE COURT: Which group didn't bring it, the
18 plaintiff or the defendant?

19 MR. CURRY: Allegedly the defendant didn't bring it
20 Judge.

21 THE COURT: So you're talking about the Payne
22 Church because you said Payne Church RMUE when you asked
23 the question.

24 MR. CURRY: Okay, because ---

25 THE COURT: --- and there is a distinction.

1 THE COURT: Right, Judge I didn't remember ---

2 THE COURT: --- please make that distinction
3 because I still -- so it's the defendant Payne Church
4 that didn't bring the 20,000 dollars?

5 MR. CURRY: But it was at that point Payne RMUE.

6 THE COURT: I understand but you said Payne RMUE.

7 MR. CURRY: Right because that was who they sent
8 the letter to.

9 THE COURT: Well, may be. I don't...

10 MR. CURRY: Your Honor, may I continue approaching?

11 THE COURT: Yes, sir.

12 [Whereupon, defendant's exhibit number 1 is marked
13 by the court reporter]

14 MR. CURRY: Your Honor, I've given opposing counsel
15 a copy.

16 THE COURT: Mr. Johnson, I'm assuming ---

17 MR. JOHNSON: --- no objection.

18 THE COURT: Are you offering defendant's number 1?

19 MR. CURRY: Yes, Your Honor.

20 Q. [Mr. Curry] I have here what has been marked as
21 defendant's exhibit 1 ---

22 THE COURT: --- without objection correct Mr.
23 Johnson?

24 MR. JOHNSON: Correct, sir.

25 [Whereupon, defendant's exhibit number 1 is entered

1 into evidence by the court]

2 Q. [Mr. Curry] Without objection, okay. And you
3 already know that letter exists is that correct?

4 [Whereupon, the witness is shown exhibit]

5 MR. CURRY: If I may continue to approach, Your
6 Honor?

7 THE COURT: Yes, sir.

8 Q. [Mr. Curry] Ms. Clark, you know this letter exists
9 is that correct?

10 A. Yes, I found out about this letter when you kept
11 dwelling on it.

12 Q. Okay. And of course your name was on the top and
13 it says Sister Barbara B. Clark general secretary is that
14 fair to say?

15 A. Yes, sir.

16 Q. Now let's go through this letter because you were
17 asked a question by your lawyer as to whether or not
18 Payne Church had been excommunicated from RMUE and your
19 answer was no, correct?

20 A. Correct.

21 Q. Now this is a formal letter from your associate
22 bishop, Bishop Willie Polite, Jr. correct?

23 A. Is this the authentic copy?

24 Q. Well, this is a copy of the original letter, okay.

25 And if you'll turn to the second page it is cc'd to Amos

1 Hatcher [phonetic] presiding elder and the general
2 officers of which you are one of them is that correct?

3 A. Yes, sir.

4 Q. Let's go over this December 28, 2012 letter. It
5 says to the members of Payne RMUE Church from Willie
6 Polite, Jr. My dear brothers and sisters, greetings to
7 you in the name of our Lord and Savior Jesus Christ.

8 I am writing to inform you that in order to be a
9 member of the RMUE Church you will have to be a member in
10 good standing with the annual conference of the Reformed
11 Methodist Union Episcopal. At the present time Payne
12 Church is not because they have not paid their
13 assessments to the annual conference.

14 As of now no one can claim that they weren't issued
15 a legal license from the RMUE Church or from anyone other
16 than the one that was issued in the 118th annual
17 conference bearing the RMUE seal and it was signed by
18 Bishop Willie Polite, Jr.

19 This means that Thomas Junious, Josephine
20 Richardson, Melvin Boles, Wesley A. Moore, Sr., Robert
21 Dunham, Nathaniel Richardson, Leroy Williams, Pinckney
22 Palmer, Andre Simmons, and Fred H. Moore are not members
23 of RMUE Church. Have I read that correctly?

24 A. Yes, you read that correctly.

25 Q. Okay. Let's continue, turn the page. It says

1 Sister Catherine Gaston and Sister Catherine Washington
2 are no longer district presidents, Fred H. Moore is a
3 suspended and expelled bishop and he will not be part of
4 the RMUE Church anymore.

5 By the orders of the court he is not to have
6 anything to do with the RMUE Church and he is not allowed
7 in any RMUE Church pulpit. I've read that correctly from
8 that letter correct?

9 A. Yes.

10 Q. Okay. Let's go farther. He is not in good
11 standing and owes dues to the annual conference along
12 with the names above ---

13 THE COURT REPORTER: --- Mr. Curry, could you just
14 slow down a little bit.

15 MR. CURRY: I'll slow down.

16 THE COURT: Slow down a little bit.

17 MR. CURRY: Okay, Judge.

18 Q. [Mr. Curry] He is not in good standing ---

19 THE COURT: --- why don't you ask her some
20 questions. I mean I've read it.

21 MR. CURRY: You've read it; then that's fine.

22 THE COURT: I've read it. Why don't you ask her
23 some pertinent questions and get to some relevancy.

24 Q. [Mr. Curry] Now Ms. Clark in this letter it says
25 that Payne Church is not in good standing and not a

1 member is that correct?

2 MR. JOHNSON: I read that it says what is says,
3 Your Honor. It doesn't say they're not a member.

4 A. This letter says it's not in good standing.

5 Q. [Mr. Curry] All right. Let's go back to page number
6 one. In the first paragraph it says that in order to be
7 a member of RMUE you must be a member in good standing
8 with the annual conference of the RMUE Episcopal correct?

9 A. Uh Huh.

10 Q. At the present time it says Payne Church is not.

11 A. Because they have not paid their assessment to the
12 annual conference.

13 Q. Okay. So they at that point because of what they
14 had asked y'all -- now why weren't they paying their
15 assessments?

16 A. You'll have to ask them that. I can't assume why
17 they didn't. The only thing I know is the members of
18 Payne RMUE Church gave them their monies to pay to the
19 annual conference and they did not do it.

20 Q. And you don't know why Payne Church did not want to
21 be a member and y'all put them in bad standing. You
22 don't know why?

23 A. No, I don't know why.

24 Q. Let's turn the page to the second page and let's go
25 to the third paragraph where it starts with Fred Moore.

1 Are you with me?

2 A. Yes.

3 Q. Isn't it true that it says in the letter that the
4 Payne Church wanted an audit from the RMUE?

5 A. Yes, this is what the letter said and we told them
6 that they could have an audit if they were going to pay.

7 Q. But didn't I ask you earlier did you know why they
8 had refused to pay their assessments and you told me no?

9 A. I just read this. I don't know what's in people's
10 minds. And like I explained to you Attorney Curry I
11 cannot -- this thing has been going on now for almost
12 three or four years.

13 You expect me to sit here and remember everything
14 verbatim punctuated. I can't do it. All I know is that
15 Payne did not report to the annual conference, they
16 didn't send any delegates or they didn't do anything.

17 Q. And they asked for an audit and you all didn't do
18 that did you?

19 A. No, because our books are laid on the table every
20 quarter. You're welcome to come and look through it.

21 Q. Doesn't your Book of Discipline require that you all
22 give an audit?

23 A. Perhaps it does.

24 Q. And so you disobeyed your Book of Discipline?

25 A. There are a lot of things in this Discipline that is

1 not carried through.

2 Q. Isn't it true that the members, the remaining
3 whatever remaining members that there are in this issue
4 they were all a part of this original body when this
5 letter came out in December 28, 2012?

6 A. No. I think that the original Payne, the people who
7 are Payne RMUE Church they came to annual conference and
8 they said they were going to find their monies and that
9 they were going to pay their dues so that they could be
10 in good standing with the RMUE Church and that's what
11 they did.

12 Q. But at the time of this letter December 28, 2012 all
13 these people were still in the same organization because
14 according to you they owed some dues correct?

15 A. Yes, but annual conference was held on the 12th of
16 December. This is December 28th.

17 Q. Those people who you say were members of Payne
18 Church had not splintered from that church at that
19 particular time had they?

20 A. They might as well say they were they couldn't get
21 in.

22 Q. Had they splintered from the church and created an
23 organization?

24 A. I can't answer that.

25 Q. Well, isn't it true that you testified previously

1 that while this was going on they were sending you up the
2 records as to what they were doing? And they sent you a
3 record saying that they were turning themselves into
4 another church and meeting at another organization?

5 A. No. They did not turn into another church. They
6 were the original Payne RMUE Church and that they were
7 sending their money to pay their dues and the people in
8 Payne who wanted to pay their dues for the RMUE Church
9 they sent their money and they paid.

10 Q. Do you have financial records that would support
11 your claim that Payne RMUE Church were paying their
12 assessments as of December 28, 2012?

13 A. Yes, sir.

14 Q. Where are they?

15 A. Home. And Mr. Curry you keep referring to us as
16 national. When you refer to national you confuse me.

17 MR. CURRY: Beg the court's indulgence.

18 THE COURT: Yes, sir.

19 MR. CURRY: Judge, can I have just a moment of
20 recess?

21 THE COURT: Yes, sir.

22 MR. CURRY: Five minutes.

23 THE COURT: Five minutes for a recess?

24 MR. CURRY: Just for a recess.

25 THE COURT: We'll take about a ten minute recess.

1 MR. CURRY: Thank you, Judge.

2 [Whereupon, court is in recess from 11:27 a.m. until
3 11:50 a.m.]

4 THE COURT: Are you ready to proceed?

5 MR. CURRY: Yes, Your Honor.

6 THE COURT: Please proceed.

7 CROSS-EXAMINATION RESUMES

8 BY MR. CURRY:

9 Q. Ms. Clark, I've got a question for you. You're the
10 secretary of the ---

11 THE COURT: --- let me interrupt just a second.
12 Ms. Clark, let me just say one thing to you. When he
13 asks you questions you can say yes, no, give an
14 explanation. If you don't understand tell him you don't
15 understand and he'll explain it. Or if you don't know
16 you don't know. If you don't know he can't make you
17 answer what you don't know.

18 But you can explain any answer that you give to a
19 yes or no answer or if you don't understand it you don't
20 understand okay. I guess what I'm trying to say is he's
21 trying to drive certain nails. Don't try to anticipate
22 where that nail is going; just tell him what you know or
23 don't know okay. Please proceed.

24 Q. [Mr. Curry] Ms. Clark, you're the secretary of the
25 entire church correct, the general secretary?

1 A. Yes, I am.

2 Q. Are you the ones who also type the amendments that
3 are placed in the Discipline?

4 A. No, sir. The recording secretary types the
5 amendments and sends them out in a booklet. Then they
6 are adopted at the next annual conference.

7 Q. Right. And the annual conference is every year
8 correct?

9 A. Yes, sir.

10 Q. Now in your Doctrine and Discipline of which we
11 agreed this version that we have with any of members is
12 actually the positive law of the church is that correct?

13 A. Repeat that.

14 Q. This Discipline that we have marked as exhibit
15 number 3 along with the amendments that's the positive
16 law of the church. That's your church rules and
17 guidelines correct?

18 A. That's part of it. There are some more.

19 Q. What else would there be to govern?

20 A. I can't speak to that off the top of my head. I
21 would have to go back and look at the amendments that was
22 done in the general conference.

23 Q. But I said the amendments would be part of this book
24 [indicates]?

25 A. Yes, all amendments.

1 Q. All right. Now I want you to turn to -- what is
2 your definition of church?

3 A. The church?

4 MR. JOHNSON: I'd object to the relevance, Your
5 Honor.

6 THE COURT: I'll sustain the objection.

7 Q. [Mr. Curry] If you'll turn to the glossary under C.

8 A. Which page?

9 Q. Well, the glossary is on page but I can come --

10 MR. CURRY: Your Honor, may I approach the witness?

11 THE COURT: Yes, sir. And show her where you're
12 talking about.

13 MR. CURRY: I will, Your Honor. Your Honor, it's
14 under the glossary in the back. I can point it to you if
15 you'd like me to, Your Honor.

16 THE COURT: What page?

17 MR. CURRY: There is no pagination when you see the
18 glossary.

19 THE COURT: Okay.

20 Q. [Mr. Curry] Will you read for me the area that said
21 definition of church from your Doctrine and Discipline?

22 A. Congregation of faithful persons in which the pure
23 word of God is preached and the sacraments duly
24 administered according to God's ordinance. Article 13 to
25 the visible faith community of those who are baptized in

1 the church and share in His ministry the witness and
2 service in His world. Often refers to a building where
3 the people of God gather for worship -- and service.

4 MR. CURRY: Your Honor, may I keep approaching the
5 witness?

6 THE COURT: Yes, sir.

7 Q. [Mr. Curry] What has been marked as defendant's
8 exhibit 1 does Bishop Polite differentiate between what
9 he refers to as church when he gives this letter of
10 expulsion?

11 A. I can't answer that ---

12 MR. JOHNSON: --- I object to the form of the
13 question, Your Honor ---

14 A. --- because I can't speak for Bishop ---

15 MR. JOHNSON: --- because it's not a letter.

16 THE COURT: She said she didn't know, okay.

17 Q. [Mr. Curry] Will you take an opportunity to look to
18 it to see whether or not he defines what is church?

19 THE COURT: Why don't we move on? She said she
20 doesn't know ---

21 A. --- here again I don't know what his definition is
22 of church.

23 THE COURT: She said she didn't know.

24 MR. CURRY: That's fine, Your Honor.

25 Q. [Mr. Curry] As the general secretary you're aware of

1 what the church conference is, is that correct?

2 A. Yes, sir.

3 Q. And how does it work in terms of who makes the rules
4 for RMUE?

5 A. Are you talking about in our annual conference?

6 Q. I'm taking about your general conference that occurs
7 once every four years to make this book of Doctrine and
8 Discipline?

9 MR. JOHNSON: Your Honor, I would object. I don't
10 mean to keep ---

11 THE COURT: --- what's your legal objection?

12 MR. JOHNSON: I'd object to the relevance of all
13 this about RMUE as registered ---

14 MR. CURRY: --- Your Honor ---

15 THE COURT: --- I didn't hear you Mr. Johnson.
16 What's your legal objection?

17 MR. JOHNSON: I would object to the relevance of
18 these questions related to the conduct of the
19 denomination as it relates to just a general catechism
20 about the congregation as it relates to the title of the
21 property.

22 THE COURT: I've got to assume he's addressing
23 those for the court to determine who is the highest
24 authority ---

25 MR. CURRY: --- correct, Your Honor ---

1 THE COURT: --- but from that standpoint I think
2 it's relevant and I'll allow him to do it on that basis.

3 MR. JOHNSON: Thank you, sir.

4 MR. CURRY: And that's only for ability to
5 determine.

6 Q. [Mr. Curry] In general conference what is it
7 comprised of?

8 A. The general conference is comprised of the presiding
9 bishop, the general officers, the appointed ministerial
10 delegates and the delegates from each church. And all of
11 these people must be in good standing with the RMUE
12 Church to be a part of the general conference.

13 Q. Okay. If you will turn to page 98.

14 [Whereupon, the witness complies]

15 Q. Maybe you could use that to refresh your memory in
16 subsection 1 composition. Would you be kind enough to
17 read that section because I think you left some out?

18 A. The general conference shall be composed of all
19 bishops, all the general officers, the head of all
20 institutions, and five ministerial delegates at each
21 annual conference. Lay delegates from every church, one
22 delegate per 100 members; and that's what I said.

23 Q. All right. And what power does the general
24 conference have?

25 A. The general conference makes the rules for the RMUE

1 Church.
2 Q. And the regulations correct?
3 A. Yes, rules and regulations.
4 Q. And of these delegates the delegates actually elect
5 bishops to the church isn't that correct?
6 A. That's correct.
7 Q. And the delegates actually elect general officers to
8 the church correct?
9 A. That's correct. Now that's the whole -- that's all
10 of the members of the general conference and that's
11 including the ministerial delegates, the general officers
12 at that time and the delegates.
13 Q. Right. But it's not including like just the regular
14 lay members because each of the churches elect a delegate
15 to represent them isn't that correct?
16 A. Correct, if they're in good standing.
17 Q. Okay. Now in your scheme if everybody is in good
18 standing the power belongs to the general conference and
19 the delegates am I correct?
20 A. You're correct.
21 Q. Do you know whether or not the general church or the
22 general officers are required to do an audit?
23 A. I don't know.
24 THE COURT: Can I ask one question?
25 MR. CURRY: Yes, sir.

1 THE COURT: Where does it say that the general
2 delegation elects the bishops?

3 THE WITNESS: In the amendments.

4 THE COURT: In the amendments? It's not in this
5 book. It's in the amendments.

6 THE WITNESS: Part of it.

7 MR. JOHNSON: I lost my list, Your Honor, but the
8 amendment is 3-A I believe.

9 THE COURT: The amendment is what?

10 MR. JOHNSON: Its part -- its exhibit 3-A.

11 THE COURT: Exhibit 3-A?

12 MR. JOHNSON: Yes, sir.

13 THE COURT: Okay. Do you mind sharing that with
14 me?

15 MR. CURRY: May I approach?

16 [Whereupon, Mr. Curry provides documents to the
17 court]

18 THE COURT: I don't doubt what this lady said. I
19 just sort want to read it for myself.

20 MR. JOHNSON: Certainly. I didn't realize I hadn't
21 provided that to you. I'm sorry.

22 THE COURT: So this would be the amendments that
23 are applicable to the issue that I have to determine?

24 MR. CURRY: Judge, it may not be -- along with the
25 Discipline that may be just -- each quadrennial they add

1 amendments to the Discipline so that may just be for that
2 particular quadrennial. There may be other amendments
3 that are out there, Your Honor.

4 THE COURT: Any other amendments applicable to this
5 question that we need?

6 MR. JOHNSON: Not to my knowledge, Your Honor.

7 THE COURT: Mr. Curry, are there any to your
8 knowledge?

9 MR. CURRY: Judge, I would believe so. They just
10 had an annual conference or a general conference two
11 years ago and I don't know if those amendments are the
12 ones from two years ago when they had it. I don't have
13 it Judge and we asked for it in discovery but I don't
14 certainly have it. They have their own documents with
15 regard to it.

16 THE COURT: Okay.

17 MR. JOHNSON: Your Honor, I would object to that
18 characterization ---

19 THE COURT: --- that's okay. I don't mind. I'm
20 not going to feel any harsh feelings towards anybody.
21 That doesn't make any difference. Refrain from
22 badmouthing the other side if you will.

23 MR. CURRY: Yes, Your Honor. I was trying to
24 explain it, Your Honor.

25 Q. [Mr. Curry] And so the bishops are they are actually

1 consecrated by the laying on of several hands after
2 elected by the general delegation of the general
3 conference is that correct?

4 A. Yes, sir.

5 Q. All right. Can you be a bishop without being
6 elected?

7 A. Let me answer that. You cannot be a bishop without
8 being elected. But if you are the associate bishop and
9 something happens to the bishop it's just like the
10 President of the United States; that person becomes the
11 head of the organization until another bishop is elected.

12 Q. Okay. And so the letter that was sent from Bishop
13 Polite he was originally the associate bishop and then
14 moved up to the bishop pro tem am I correct?

15 A. Correct.

16 Q. And so any communication from him would have been in
17 his authority as the head of the RMUE Church?

18 A. After he had talked it over with the general
19 officers. The bishop's duties they are to preside and
20 make appointments. The general board is really the one
21 with the authority in the denomination because we run the
22 church. Now as far as this letter goes we did not see
23 this letter or okay this letter to be sent out.

24 Q. Are you saying you have to approve any
25 correspondence that the bishop gives to a church prior to

1 it being sent out?

2 A. Yes sir, how would we know what's going on.

3 Q. What part of the church Doctrine and Discipline and
4 or members give y'all that authority?

5 A. I don't know.

6 Q. Do you have it somewhere tucked away where we can
7 get it?

8 A. I don't know.

9 THE COURT: Mr. Curry, I assume she's talking about
10 policy approval not ministerial duties. I mean I don't
11 know that but I've got to assume that.

12 MR. CURRY: Well, Judge I've got to take her at her
13 word and if she says that they have the authority to
14 approve a delegate or a bishop's right I need to see
15 where that authority comes from and all policy and she
16 says she doesn't know.

17 THE COURT: Okay. That's fine. I mean there is
18 always a difference between policy and ministerial
19 duties.

20 MR. CURRY: I agree, Judge, but I would only say
21 and I'm not trying to make an oral argument in front of
22 you but the bishop sends a letter and talks about the
23 status of someone if they are saying that they need to
24 approve it she was cc'd the letter and she agreed that
25 she got it and then she said the first time I'm seeing it

1 is today. And I'm saying what's going on.

2 THE COURT: All right. Go ahead.

3 Q. [Mr. Curry] Now in terms of your infrastructure how
4 you send money is it true that money is sent up from
5 churches but the general church doesn't send money down?

6 A. Mr. Curry, the churches have to pay their annual
7 dues, which have been going on with the church since it
8 was established in the 1900's.

9 Q. So that means it goes up correct?

10 A. It goes up and if a church needs help this
11 organization that is called the Reformed Methodist Union
12 Episcopal Church has helped out many of churches since
13 I've been there.

14 Q. Let's talk about Payne Church. Did RMUE purchase
15 Payne Church?

16 A. You are going ahead of my time. I cannot answer
17 that question. You have to talk to those people from
18 Payne.

19 Q. Well, what about in your time. Has RMUE helped
20 Payne Church construct or renovate anything on its
21 building or build a worship center or buy vans?

22 A. They've never asked us to and we just don't go out
23 and send money out.

24 Q. So the answer is no?

25 A. No, yes.

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Barbara Clark-Cross-Examination by Mr. Curry
June 15, 2015

1 Q. Okay. What about maintaining the property? Has
2 RMUE maintained the property that was located at Payne
3 Church?

4 A. I'm going to have to say yes because there are RMUE
5 members in here who are still RMUE and when they were
6 there before they were put out of their church yes; their
7 dues went to maintain Payne RMUE Church.

8 Q. Okay. I'm talking about RUME [sic] ---

9 A. No RMUE.

10 Q. Right, RMUE Church itself the general denomination.
11 Has it ever paid to do any of that stuff?

12 A. No, not as I know of; not to my knowledge.

13 Q. And you write the checks correct?

14 A. It depends. I would not be writing the checks that
15 comes from church extension, which would be the
16 department that would deal with that. I deal with the
17 general church.

18 Q. Who do you all claim is the pastor of Payne RUME
19 [sic]?

20 A. The pastor of Payne RMUE is Reverend Nathaniel
21 Richardson now.

22 Q. Okay. And when was he allegedly appointed?

23 A. After Reverend Simms left and you may notice that
24 his name is on this letter. And he paid his dues and he
25 became back at the RMUE Church and that's all they had to

- 1 do too.
- 2 Q. So as of he was out of the church December 28, 2012
- 3 correct?
- 4 A. Uh Huh, but he came back.
- 5 Q. Is that a yes?
- 6 A. Yes, sir.
- 7 Q. Okay. He was out of the church and then he came
- 8 back and he paid some dues and they y'all let me back in
- 9 the church correct?
- 10 A. Yes, he came of good standing.
- 11 Q. Okay. Was that 20,000 dollars that you said Payne
- 12 RUME [sic] owed; RMUE was that 20,000 dollars ever paid?
- 13 A. No.
- 14 Q. What amount of members were in Payne RUME [sic]
- 15 before this litigation occurred?
- 16 A. I cannot give you the total on members because I'm
- 17 not looking at a book or the sheets that we go by on the
- 18 amount of members that was in Payne RMUE.
- 19 Q. Okay. After this letter what amount of members had
- 20 been worshiping at was it Jerusalem?
- 21 A. Yes.
- 22 Q. What amount?
- 23 A. I can't give you the exact amount off of my head. I
- 24 just know when we do visit it's a church full of people.
- 25 Q. Do you know what their standing is in the church?

1 A. Whose standing?
2 Q. The people that you say is a church full of people?
3 A. They are members of Payne RMUE Church.
4 Q. How do you know that?
5 A. Because they come up and they speak to me and
6 introduce themselves. I'm a general officer.
7 MR. CURRY: May I approach the witness, Your Honor?
8 THE COURT: Yes, sir.
9 Q. [Mr. Curry] I hand you what has been previously
10 marked as plaintiff's exhibit number 1. They are deeds.
11 [Whereupon, the witness is shown exhibit]
12 Q. You're the general secretary have you seen them?
13 A. Some of them.
14 Q. Some of them?
15 A. Yes.
16 Q. Would you like to show me which ones you have seen
17 out of that exhibit package?
18 A. First of all Mr. Curry I cannot go through this
19 right now and tell you which one I have seen because all
20 these have applied and I would need time to read. And I
21 can't even see that writing there without my bifocals; I
22 mean my magnifying glass and I don't have that.
23 Q. Okay. Let's see if you -- this is still in that
24 packet on the I guess its first deed. There is a circled
25 area. Can you read that circled area that is in type 12

1 point font? Can you read that?
2 [Whereupon, the witness views document]
3 Q. And I'm in the second paragraph.
4 A. You're talking about here [indicates] right?
5 Q. Yes, ma'am.
6 A. Yes, I read that.
7 Q. Would it be fair to say that in this deed it says
8 Payne Chapel RMUE Church correct?
9 A. That's what it says; Payne Chapel RMUE Church.
10 Q. And up in front of that it says the trustees for
11 Payne Chapel RMUE Church correct?
12 A. Where does it say the trustees?
13 Q. See where it says trustees [indicates].
14 [Whereupon, the witness reads document]
15 Q. And so this is for the trustees of Payne Chapel RMUE
16 correct?
17 A. According to what you read. I don't know.
18 Q. You read it did it say it?
19 A. I didn't understand it.
20 Q. Okay. On the December 28th letter who are the
21 trustees of Payne RMUE Church?
22 A. Brother Paul Richardson, Brother Robert Lee Watson,
23 Brother Nathaniel Smalls, Brother Nathaniel Prioleau,
24 Evangelist Reginald Jenkins, Brother Charles Ethan,
25 Brother Albert Prioleau, Brother Theodore Seabrook,

1 Sister Joyce Heyward, Sister Rosa Chisolm, Sister Althea
2 Singleton.

3 Q. And you're saying that these people were trustees as
4 of December 28, 2012 the letter from Bishop Polite?

5 A. No ---

6 Q. --- no they weren't were they?

7 A. Wait a minute. The letter from Bishop Polite came
8 December 28th.

9 Q. December 28 ---

10 A. --- that's December 12th there. And I said January
11 of 2013 because Mr. Simms was licensed December the 9th,
12 2012. So they had two weeks to go back into their church
13 and formulate their church.

14 Q. Well, if they had two weeks and they did it in 2013
15 this letter could not have been before December 2012
16 could it?

17 A. We didn't say that the letter was before December
18 2012. You're trying to lead me. I said that's January
19 2013.

20 Q. And there's no date on here correct?

21 A. No, there is no date on that.

22 Q. How do you have any proof to show that this was done
23 January 2013 and I'm talking about exhibit 4?

24 A. I have proof from when they called me and told me
25 they were going into an election but as far as having it

1 written -- but I think the letter that came along with
2 that has the date on it. I'm almost certain.

3 Q. Who called you and told you that they were having an
4 election before January of 2013?

5 A. I didn't say before January. You keep saying
6 before, Mr. Curry. I said January '13 and beyond. I did
7 not say before.

8 Q. Okay. So is it safe to assume that the election
9 did not occur before December 31st, 2012?

10 A. I don't know.

11 Q. You mentioned something about Payne Independent or
12 Payne Church. When do you believe that church was
13 formed?

14 A. That church was formed when I went by and saw the
15 Payne RMUE sign covered up and the van covered up and
16 everything that had Payne Church on it and they said they
17 were independent. That's all I know.

18 Q. And you're not saying that the general church owned
19 any of those signs, or property, or van you're not saying
20 that are you?

21 A. If Payne RMUE Church owns it it's under the Reformed
22 Methodist Union Episcopal Church.

23 Q. Do you have any records to show that at any time the
24 trustees of Payne Chapel RMUE transferred their interest
25 to the general church RMUE?

1 A. No sir, Mr. Curry I don't have that. It may be in
2 the records but right now I can't speak on it. You're
3 going back to things that happened three or four years
4 ago. I can't recall all this stuff off the top of my
5 head.

6 MR. CURRY: Beg the court's indulgence.

7 THE COURT: Yes, sir.

8 [Whereupon, Mr. Curry confers with his clients]

9 Q. [Mr. Curry] Please answer any questions Attorney
10 Johnson may have for you.

11 THE COURT: Redirect?

12 MR. JOHNSON: Nothing further in our case in chief
13 from this witness, Your Honor.

14 THE COURT: I'm sorry, what?

15 MR. JOHNSON: Nothing further at this time, Your
16 Honor.

17 THE COURT: Okay. You may step down. Thank you
18 so very much.

19 [Whereupon, the witness is excused and exits the
20 witness stand]

21 THE COURT: Call your next witness.
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1 MR. JOHNSON: I would call Pastor Richardson.

2 [Whereupon, Mr. Richardson comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: Sir once seated if you could
8 please state your first and last name and then spell your
9 last loudly and clearly into the microphone for the
10 record.

11 THE WITNESS: Nathaniel Richardson, N-A-T-H-A-N-I-
12 E-L, R-I-C-H-A-R-D-S-O-N.

13 - - - - -

14 NATHANIEL RICHARDSON,

15 Having been first duly sworn,

16 Was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. JOHNSON:

19 Q. Reverend Richardson, are you the pastor of the Payne
20 RMUE Church?

21 A. Yes, I am.

22 Q. And how long have you been so?

23 A. Since 2013.

24 Q. And who did you succeed?

25 A. Simms.

1 Q. And since your appointment where has this
2 congregation held their services?

3 A. 764, if I'm not mistaken, Magnolia Road North
4 Charleston, South Carolina.

5 Q. And what's at that property? Is that the home of
6 Jerusalem ---

7 A. --- that's Jerusalem RMUE Church --

8 Q. And do y'all have some arrangements to use that
9 facility when they are not using it?

10 A. Yes, the first Sunday and third Sunday.

11 Q. And do y'all have regular church services on the
12 first and third Sunday?

13 A. Regular church services, both services.

14 Q. And is this a -- other than the trying circumstances
15 of the physical facility is this a normal church body
16 holding services, funerals; all the things churches do?

17 A. All the things that churches do, yes.

18 Q. Thank you, sir. That's all I have. Please answer
19 any questions Mr. Curry may have.

20 THE COURT: Mr. Curry?

21 MR. CURRY: Thank you, Your Honor.
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1 CROSS-EXAMINATION

2 BY MR. CURRY:

3 Q. Reverend Richardson, good afternoon I'm Eduardo

4 Curry. How are you?

5 A. I'm good and yourself?

6 Q. I'm doing very well. Now you've been the pastor

7 since 2013 is that correct?

8 A. Well, yes.

9 Q. When?

10 A. In '14 and now I'm in '15.

11 Q. Okay. So you were the pastor for 2014?

12 A. '14.

13 Q. When in 2014?

14 A. November.

15 Q. So you just became the pastor about six months ago?

16 A. No, sir, I did one full-term there and I went back

17 to conference and I was reassigned there.

18 Q. Okay. So let me get the dates straight. You're

19 saying November 2014 you became the pastor?

20 A. 2013 in November we held conference.

21 Q. All right.

22 A. I was appointed during that conference.

23 Q. Who appointed you?

24 A. The Bishop.

25 Q. Which one?

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June 15, 2015

- 1 A. Polite.
- 2 Q. All right. In 2014 you came back for another term?
- 3 A. I came back for another term at the end of the first
- 4 one.
- 5 Q. Have you ever gone to where Payne Church is located
- 6 and came in there and said you're the pastor?
- 7 A. No.
- 8 Q. No? All right. You ever bring a certificate to
- 9 them and say that you were the ---
- 10 A. --- let's go back.
- 11 Q. What?
- 12 A. Let's go back.
- 13 Q. Okay.
- 14 A. Where are you asking the question out of? Which
- 15 Payne? Payne now that we're serving at Magnolia Road or
- 16 Payne at 1560 Camp Road?
- 17 Q. Let's call it Payne Church at Camp Road. Have you
- 18 ever showed up there ---
- 19 A. --- I never showed up there.
- 20 Q. You never showed up with your certificate, no?
- 21 A. No.
- 22 Q. Never showed up and said I'm the pastor of that
- 23 church?
- 24 A. No.
- 25 Q. How many members do you have at ---

1 THE COURT: --- so for the record Payne Church at
2 Camp Road would be the defendant in this case Payne
3 Church, Incorporated?

4 MR. CURRY: That's correct, Judge.

5 THE COURT: For purposes of court clarification,
6 okay.

7 MR. CURRY: I'll call it Payne Church Camp Road.

8 THE COURT: That's fine if you want to do it that
9 way so we're clear on what we're calling what entity it.

10 THE COURT: --- that's right, Judge. Just for
11 identification purposes.

12 MR. JOHNSON: I'm not -- as long as we're talking
13 about the -- in that appellation we're talking about the
14 physical facility is that correct?

15 MR. CURRY: Yes, we're just for ---

16 THE COURT: --- we're talking about the physical
17 facility identification of which plaintiff or defendant.

18 MR. JOHNSON: Yes, sir.

19 Q. [Mr. Curry] In terms of Payne Church Jerusalem where
20 y'all have your church how many members do you have
21 there?

22 A. I think it's in the number somewhere around 32 or
23 33.

24 Q. And do you know how many members are at Payne Church
25 Camp Road?

- 1 A. No, I don't.
- 2 Q. Who elects the bishops in your church?
- 3 A. The general conference.
- 4 Q. Who elects the general officers in your church?
- 5 A. The conference.
- 6 Q. When the Bishop sends you a letter is that a formal
- 7 communication?
- 8 A. If he sends me a letter is it a form of
- 9 communication? It most certainly is.
- 10 Q. Is it a formal communication from the Bishop to the
- 11 pastor?
- 12 A. Is it formal?
- 13 Q. Yes?
- 14 A. I wouldn't say formal formal but it's a form of
- 15 communication.
- 16 Q. If it has a seal on it and it's signed by the Bishop
- 17 would you pay no attention to it?
- 18 A. I pay attention to everything that I get; seal or
- 19 non seal.
- 20 Q. Okay. But if you got one from the Bishop and
- 21 you're appointed by the Bishop you would pay attention to
- 22 it is that correct?
- 23 A. I pay attention as I said before no matter what it
- 24 is seal or non seal if you send me something I'm going to
- 25 look at it.

1 Q. Now in your Book of Discipline --

2 MR. CURRY: Your Honor, may I approach the witness?

3 THE COURT: Yes, sir.

4 Q. [Mr. Curry] I hand you what has already been marked
5 and identified as the Doctrine and Discipline of the
6 Reformed Methodist Union Episcopal Church. You've seen
7 this before is that correct?

8 [Whereupon, the witness is shown exhibit]

9 A. I've seen not that one but I've seen this one
10 [indicates].

11 Q. You've got one then right?

12 A. Yes, sir.

13 Q. Can I look at yours?

14 A. Yes, they are the same.

15 Q. They should be the same correct? The front says
16 1999 -- and let me get this one -- and this says 1999
17 correct?

18 A. Yes.

19 Q. So we're going to use the one that was marked in and
20 put yours to the side is that okay?

21 A. That will work for me.

22 Q. Why don't you turn to the area that talks about
23 trustees in it?

24 [Whereupon, the witness complies]

25 Q. I'm on page 40. You got it?

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- 1 A. So am I.
- 2 Q. Okay. Now I want to ask you how long have you been
3 a pastor?
- 4 A. Quite some time. Not an answer is it?
- 5 Q. No, it's not. Why don't you give me a timeframe?
- 6 A. I was called into the ministry in 1959.
- 7 Q. How long have you been a pastor in the Reformed
8 Methodist Union Episcopal Church?
- 9 A. Since 2000 -- it would be 2003.
- 10 Q. Okay. And is this your first pastorate or you've
11 had pastorates before?
- 12 A. I've had pastorates before.
- 13 Q. And when you talk about order inside of a local
14 church you've got three kinds of order you've got the
15 pastor correct?
- 16 A. Right.
- 17 Q. You got the stewards correct?
- 18 A. Yes.
- 19 Q. The stewards handle the financial and the spiritual
20 life of the church correct?
- 21 A. I would agree.
- 22 Q. And then you've got the trustees that deal with the
23 physical property of the church?
- 24 A. The physical property of the church.
- 25 Q. And in order to be a trustee there are some

- 1 qualifications. You at least need to be 18 and in good
2 standing correct?
- 3 A. That's what the Discipline say.
- 4 Q. And the trustees are not appointed are they?
- 5 A. They are elected.
- 6 Q. They are elected, okay. And so you have to have an
7 election, correct?
- 8 A. Uh Huh.
- 9 Q. And that election requires qualifications two
10 Sundays in a row and you've got to stand up and say on
11 the third Sunday we're going to have an election correct?
- 12 A. It's called in the order, yes.
- 13 Q. And the election is actually performed by the
14 congregation of the church correct?
- 15 A. Yes and one more person.
- 16 Q. Plus one and the pastor.
- 17 A. And the pastor.
- 18 Q. But you've got to tell us they're called one, two,
19 three correct?
- 20 A. You can proceed.
- 21 Q. And then once they are elected then they actually
22 assume office after the pastor has put them in place
23 correct?
- 24 A. That's correct.
- 25 Q. Now you knew you were coming here today did you not?

1 A. Not really.

2 Q. Nobody told you you were coming today?

3 A. They didn't tell me I was coming I told them I would
4 try to be here.

5 Q. All right. And when did you tell them you would
6 try to be here?

7 A. At 9 o'clock.

8 Q. I said when did you tell them?

9 A. It could have been the weekend.

10 Q. Did anyone convey to you that there is going to be
11 an issue about who were going to be the trustees of Payne
12 RUME?

13 A. I don't know about RUME but RMUE, no.

14 Q. RMUE?

15 A. Well, you can't say well because RUME has one
16 significance and RMUE has another.

17 Q. Reformed Methodist Union Episcopal Church did anyone
18 tell you they were going to talk about that?

19 A. Talk about what?

20 Q. Who are the trustees?

21 A. No.

22 THE COURT: Mr. Curry, we don't have a jury here.
23 You don't have to talk about. You're getting into ---

24 MR. CURRY: --- all right. You know I'm
25 programmed.

1 Q. [Mr. Curry] All right. And so I'd ask you this
2 question. Are trustees appointed?
3 A. Yes.
4 Q. They are appointed when?
5 A. You can appoint if you need to replace someone.
6 Q. Where does it say that in the Discipline?
7 A. It don't have to say that in the Discipline but you
8 need to keep your numbers up if you want to keep it.
9 Q. And it's not in the Discipline?
10 A. I could even become one in the absence of another.
11 Q. Okay.
12 A. And they definitely didn't appoint me because I am
13 the pastor of the church.
14 Q. Then I ask you --
15 MR. CURRY: May I keep approaching, Your Honor?
16 THE COURT: Yes, sir.
17 Q. [Mr. Curry] Then I ask you, I hand you number 4,
18 exhibit 4 that has already come in.
19 [Whereupon, the witness is shown exhibit]
20 Q. When were those people elected to Payne -- I'm
21 talking about the trustees -- elected to Payne Reformed
22 Methodist Episcopal?
23 A. Easy answer; I wasn't there.
24 Q. So you don't know do you?
25 A. And I'm not trying to tell it either.

1 Q. Is there a date on this document that would give us
2 some clue as to when it occurred?
3 A. If I can take another look at it and see is there a
4 date?
5 Q. Yes.
6 [Whereupon, the witness reviews document]
7 A. No, I don't see a date.
8 Q. Have you checked your archives to see when those
9 people that are labeled as trustees were actually
10 elected?
11 A. I have no reason to do that.
12 Q. Trustees serve for a period of time is that correct?
13 A. Yes.
14 Q. And what is their normal service date from election?
15 A. There is none really. If they're doing a good job
16 you just reinstate them or if nobody is complaining they
17 remain in their position.
18 Q. So you haven't checked to see when they came on?
19 A. No, I don't need to do that.
20 Q. Have you had a new election of trustees?
21 A. No.
22 Q. All those people are they part of your 30 to 33, 32
23 to 33?
24 A. All of these people officers or trustees?
25 [Whereupon, the witness reviews document]

1 A. If I'm reading the names right I see one.

2 Q. All right. Thank you very much. Please answer any
3 questions Mr. Johnson would have of you.

4 MR. JOHNSON: I have nothing further. Thank you
5 for coming, sir.

6 THE COURT: Thank you very much. You may step
7 down.

8 [Whereupon, the witness is excused and exits the
9 witness stand]

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1 MR. JOHNSON: We call George Richardson.

2 [Whereupon, Mr. Richardson comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Once you get seated please give us
6 your first and last name and then spell your last for the
7 record.

8 THE WITNESS: My name is George Richardson, R-I-C-
9 H-A-R-D-S-O-N.

10 - - - - -

11 GEORGE RICHARDSON,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. JOHNSON:

16 Q. Mr. Richardson, do you have an affiliation with
17 Payne RMUE Church?

18 A. Yes, sir.

19 Q. And how long have you had an affiliation or
20 connection with Payne RMUE Church?

21 A. Fifty-two years.

22 Q. And when is the last time you went to church at
23 Payne RMUE Church?

24 A. I go the first Sunday in this month.

25 Q. So sometime this month?

1 A. Yes, sir.

2 Q. And do you currently hold any office or position in
3 that church?

4 A. Yes, I do. I hold a stewardship.

5 Q. I'm not going to ask you about the one from before
6 you were born but let me show you a deed that is part of
7 exhibit 3 and ask you to look at that and see the name
8 George Richardson.

9 [Whereupon, the witness reviews document]

10 A. Yes, that's my name.

11 Q. And are you the same George Richardson the deed was
12 made out to you, you and others as trustees of Payne
13 RMUE?

14 A. Yes, sir.

15 Q. And that was a deed where y'all took title from a
16 Beulah ---

17 A. --- Robinson.

18 Q. Robinson?

19 A. Yes, sir.

20 Q. And ---

21 THE COURT: --- this would be the graveyard site?

22 MR. JOHNSON: Yes, sir.

23 Q. [Mr. Johnson] And have you been a member and an
24 officer or official of some sort every since then at
25 Payne RMUE?

1 A. Ever since then.

2 Q. And has Payne RMUE ever taken any lawful action to
3 surrender or sell or get rid of that property?

4 A. Not to my knowledge.

5 Q. Okay. The -- let me ask you if you got this
6 property -- I'll withdraw that question. Have the
7 members of Payne RMUE been able to use that cemetery as
8 its owners since the last couple of years?

9 A. As far as I know.

10 Q. If somebody wants to get buried there do they have
11 to pay 1,000 dollars?

12 A. Yes sir, if not a member of the church.

13 Q. If not a member of the new Payne Church or the old
14 one?

15 A. The RMUE or the new Payne.

16 Q. Thank you, sir. Please answer any questions anyone
17 else might have for you.

18 THE COURT: Cross-Examination?

19 MR. CURRY: Yes, Your Honor.

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CROSS-EXAMINATION

BY MR. CURRY:

Q. Mr. Richardson, good afternoon. I'm Eduardo Curry.

How are you?

A. A pleasure meeting you sir.

Q. A pleasure meeting you. Did you attend Payne Church
at Camp Road?

A. Excuse me? I didn't hear the question.

Q. I'm sorry. Did you attend Payne Church at Camp
Road?

A. Yes.

Q. Did you attend Sunday school with them?

A. Yes.

Q. Have you been attending Sunday school and church
with them?

A. Yes.

Q. Were you present when there was an election by the
congregation to leave the union?

MR. JOHNSON: I would object to that, Your Honor.
We have -- and I would refer back to our motion in limine
we've been seeking what are our own records for quite a
while and you ordered them to be produced and they've not
been produced. And I object to any allusion to anything
that ought to be a matter of church records that has not
been produced.

1 MR. CURRY: Your Honor, may I reply? We produced
2 the records that we had. And furthermore I'm asking him
3 about his presence and he can testify to that. I'm not
4 asking him to testify about what happened at that
5 meeting.

6 THE COURT: Do you have the records of the meeting?

7 MR. CURRY: Judge, I produced what I had based on
8 what they gave me as an officer of the court. So I don't
9 know what he looked into it and what he actually saw but
10 I produced the records and had the secretary give them to
11 him.

12 THE COURT: He can testify if he was present he can
13 testify to what he observed or what he saw.

14 MR. CURRY: Thank you, Your Honor.

15 THE COURT: I think that's relevant. If some
16 documents appear later that may be subject to your motion
17 okay.

18 MR. CURRY: Thank you, Your Honor.

19 THE COURT: Since they hadn't been produced by the
20 trial.

21 MR. CURRY: Thank you, Your Honor.

22 THE COURT: But if he was there he can testify to
23 what he saw and what happened.

24 Q. [Mr. Curry] Were you present, sir?

25 A. Rephrase the question please.

- 1 Q. Were you present at Payne Church on Camp Road when
2 the church had an election to leave the union?
3 A. To leave the union? That would be the RMUE?
4 Q. Yes, sir.
5 A. That's what you're talking about?
6 Q. Yes, sir.
7 A. Well, they had several meetings that I didn't
8 attend.
9 Q. Okay. But were you present when they had that
10 election, the congregational election were you present?
11 A. No, sir.
12 Q. Were you part of the group that requested an audit
13 from the RMUE Church?
14 A. If I was a part of that?
15 Q. Yes sir that requested an audit.
16 A. Yes.
17 Q. Was an audit ever given?
18 A. That I don't know.
19 Q. You are presently a steward is that correct?
20 A. Yes, sir.
21 Q. And a steward is a financial and spiritual keeper
22 correct?
23 A. Yes, sir.
24 Q. So you're not in control of any property are you?
25 A. I'm not a trustee.

1 Q. You're not a trustee.
2 A. I'm a steward at Payne RMUE Church. But the
3 independent church I'm not a steward there but I love the
4 church so I attend.
5 Q. So you attend the church because you love ---
6 A. --- because I love the church.
7 Q. You love the -- is it the church building or the
8 church service or the church people?
9 A. I would fellowship, baptized in 1560 Camp Road and I
10 love it so I be there.
11 Q. Has anyone ever told you you couldn't attend that
12 church?
13 A. No.
14 Q. Has anyone refused to allow you to attend that
15 church?
16 A. No.
17 Q. Okay. And in fact you've been welcomed to that
18 church is that correct?
19 A. I was welcomed to a certain --
20 Q. Okay.
21 THE COURT REPORTER: Repeat your answer please.
22 A. I was welcome to a certain extent.
23 MR. CURRY: Beg the court's indulgence.
24 THE COURT: Yes, sir.
25 [Whereupon, Mr. Curry reviews documents]

1 Q. [Mr. Curry] Please answer any questions that
2 Attorney Johnson has.

3 THE COURT: Mr. Johnson anything on reply?

4 MR. JOHNSON: Nothing, sir.

5 THE COURT: Mr. Richardson, you may come down.
6 Thank you so very much. Be careful stepping down please
7 sir.

8 [Whereupon, the witness is excused and exits the
9 witness stand]

10 MR. JOHNSON: If Your Honor please, that concludes
11 our case in chief.

12 THE COURT: Okay.

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Payne RMUE Church v Payne Church et al
Motion to Dismiss-Remarks by Mr. Curry
June 15, 2015

1 MR. CURRY: Your Honor, I have a motion.

2 THE COURT: Yes, sir?

3 MR. CURRY: Judge, we move to have this case
4 dismissed because the plaintiffs have not proven who owns
5 the ---

6 THE COURT: --- let me back up just a second. On
7 some of these exhibits I said I would wait until after I
8 heard some testimony about the relevancy issue and your
9 objection. I'm going to admit 4, 5, and 6 with objection
10 because I think based on the testimony it is relevant and
11 4, 5, and 6 are admitted with objection, okay.

12 [Whereupon, plaintiff's exhibit numbers 4, 5, and 6
13 are entered into evidence by the court]

14 MR. CURRY: Yes, Your Honor.

15 THE COURT: I think that means 1, 2, 3, 4, 5, 6,
16 and 7 have been admitted; some with objection and some
17 without objection. I'll be glad to hear any motions you
18 may have on the completion of the plaintiff's case.

19 MR. CURRY: Thank you, Your Honor. I think the
20 plaintiff has failed in their case in chief with regard
21 to demonstrating who owns the property, Judge. The issue
22 is now as we all agree that we have to make is not where
23 it is with regard to the dirt. They think that the
24 people that actually are or have been the trustees or
25 were the trustees at the time this letter came were

1 actually the people that we in charge of the property.
2 They have not established that there was a duly elected
3 set of trustees for this Payne RMUE Church. There is no
4 dated letter, no reference to an election which is
5 required by the Doctrine and Discipline, no way to ---

6 THE COURT: --- you're worried about the delegates
7 -- the trustees for the RMUE Church?

8 MR. CURRY: From the one that is operating in
9 Jerusalem because the Payne ---

10 THE COURT: --- well the RMUE Church -- okay, go
11 ahead. I haven't looked at the documents. I guess I
12 need to sort of look at them to understand your motion.
13 But from what I understand there is a list of officers
14 and officials of Payne RMUE that is number 4. I haven't
15 compared that to any deeds.

16 MR. CURRY: Right.

17 THE COURT: Are those names on the deeds?

18 MR. CURRY: No, Your Honor, not as we know of but
19 secondarily ---

20 THE COURT: --- I assume the trustees of the Payne
21 Church in this case are on those deeds is that correct?

22 MR. CURRY: On the last deed Judge and more
23 importantly when we're talking about position and we're
24 talking about this window of time when the letter came
25 out on December 28, 2012 and they said the appointment of

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1 Simms came in December 9th or whatever and that there has
2 never been any proof about the electoral process. If
3 they weren't properly trustees then they are not the
4 trustees of Payne RMUE because they weren't duly elected
5 by the congregation.

6 THE COURT: From the standpoint of whether these
7 are valid or invalid what difference does it make? The
8 burden is going to be on you to prove that they were duly
9 elected since they did sign the deed. Their position is
10 to do the election they were holding court in Jerusalem
11 Church.

12 MR. CURRY: No, Judge because if we're going back
13 and talking about duly elected and you're talking about
14 successive trustees then the people that were trustees
15 that had been elected by the congregation at that
16 particular point would be the Payne trustees, the Payne
17 Camp Road trustees.

18 THE COURT: I understand but he hasn't addressed
19 that. All he has addressed in his case in chief and
20 taking the evidence most favorable to the non-moving
21 party motion denied. Go ahead, what's next.

22 MR. CURRY: I guess I'll call my first witness.

23 THE COURT: Taking the evidence most favorable to
24 the non moving party he's basically established that the
25 list of officers and officials of Payne RMUE in which the

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1 property was originally titled were the official
2 recognized officers of that church which ---

3 MR. CURRY: --- but Judge we disagree ---

4 THE COURT: --- in my opinion defeats your motion
5 at this point in time, okay. I know it's going to a
6 factual dispute to that but you got to present the
7 factual dispute okay.

8 MR. CURRY: That's fine, Judge. I just want to
9 preserve my ---

10 THE COURT: --- I understand. Your motion is
11 denied.

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1 MR. CURRY: We'll call Herman Boles.
2 THE COURT: We're going to take a lunch break at
3 this time ---
4 MR. CURRY: --- that's fine, Judge ---
5 THE COURT: --- because I think your next witness
6 might be rather lengthy. What time do you want to start
7 back; it's quarter to one?
8 MR. CURRY: Quarter to two Judge.
9 THE COURT: No, we're not going to start back then.
10 MR. CURRY: Okay, Judge.
11 THE COURT: I've got to do a little reading during
12 lunch, okay. Say 2:15?
13 MR. CURRY: 2:30? 2:15? 2:30?
14 THE COURT: Will that be all right?
15 MR. CURRY: 2:30 is fine, Judge.
16 THE COURT: Why don't we say 2:15? That will give
17 me time to do some reading because I need to do some
18 reading. And while we're talking about it I'm going to
19 mark this book as court's exhibit that I've been referring
20 to as court's exhibit number 1 the Doctrine and
21 Discipline of the Reformed Methodist Union Episcopal
22 Church.
23 MR. CURRY: And there is one in the record as well,
24 Your Honor.
25 THE COURT: Is it in evidence?

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1 MR. JOHNSON: It's 3 and 3-A, Your Honor.
2 MR. CURRY: 3 and 3-A are in the record already.
3 THE COURT: But just portions of it right?
4 MR. CURRY: No, Judge the entire Doctrine and
5 Discipline which is 3 and 3-A already, Judge.
6 MR. JOHNSON: Let me clarify as to 3-A. Three is
7 the bound doctrine as of 1999 and 3-A is ---
8 THE COURT: --- the amendment?
9 MR. JOHNSON: Coincidentally it's 4 or 5 amendments
10 but there is one that we thought was germane to this
11 case.
12 MR. CURRY: And we objected to it.
13 THE COURT: That's fine. If it's already in
14 evidence that's fine I won't mark it as a court's
15 exhibit.
16 MR. JOHNSON: I'm just not representing to the
17 court that every amendment on every subject has been
18 submitted to the court.
19 THE COURT: I understand.
20 MR. CURRY: And Judge our position is if it's not
21 been submitted and they're trying to argue it from memory
22 then they should submit it so I have a chance to
23 adequately cross-examine them.
24 THE COURT: Have you ordered it to be produced?
25 MR. CURRY: Judge, we did exchange discovery

1 requests.

2 THE COURT: They haven't produced all the
3 amendments?

4 MR. CURRY: Judge, they haven't produced all the
5 amendments that we know of. If they are going to refer
6 to amendments that I don't know nothing about they
7 haven't because I read them.

8 THE COURT: I don't care about the amendments that
9 are not germane to this issue but have you produced all
10 amendments that are germane to this issue?

11 MR. JOHNSON: Yes, sir. But I'll have to look at
12 the interrogatories and what not but I don't think there
13 was a blanket ---

14 THE COURT: --- the only thing I'm concerned about
15 is all the amendments that changed the Doctrine and
16 Discipline of the Reformed Methodist Union Episcopal
17 Church that are relevant to this issue as to ownership of
18 property.

19 MR. JOHNSON: They have been produced over and
20 over. And of course Mr. Curry was involved in other
21 extended litigation that involved these same documents.

22 MR. CURRY: Judge, and I would say this in all
23 fairness I may have been involved in it with Supreme
24 Court and all this other stuff but if I asked for it in
25 this particular case that's certainly separate from that,

1 Judge and he knows that.

2 THE COURT: I understand. Is there anything that
3 you think should have been produced that hasn't and we'll
4 get in produced.

5 MR. CURRY: I'll look at it and I'll ---

6 THE COURT: --- I mean if they haven't produced
7 anything that you think amendment wise that changes this
8 Book of Discipline then the court wants to look at it if
9 it's germane to this issue.

10 MR. CURRY: And my position is if they start
11 testifying from memory and it's not germane then I would
12 like them to actually produce that Your Honor because I
13 am not aware of them testifying to something that is not
14 right.

15 THE COURT: If you will tell me what amendment you
16 want produced we will get it okay.

17 MR. CURRY: I can start right now and tell you some
18 of the things that she testified to that ---

19 THE COURT: --- make me a list and we'll get it
20 produced.

21 MR. CURRY: Thank you, Your Honor.

22 THE COURT: Mr. Johnson do you have -- does your
23 client -- I don't know who would be the appropriate
24 person to ask and I'll leave that to you but are these
25 amendments available? Where are they and can we get them

1 without a whole lot of difficulty? If we can't get them
2 today can we get them tomorrow?

3 MR. JOHNSON: Absolutely.

4 THE COURT: Ms. Clark, can you find them? I know
5 you said some things you said were at your house.

6 MS. CLARK: Yes, because I'm the general secretary,
7 Your Honor, but it's just boxes and boxes of stuff until
8 that they got me all crazy with this stuff.

9 THE COURT: I understand and I apologize. I'm
10 sorry you've had so much difficulty with this because
11 you're not a member of either one of the churches. But
12 can you -- any amendments that we need that modify these
13 Doctrine and Discipline do you think you could find them
14 for me?

15 MS. CLARK: I'll check with the Episcopal secretary
16 and see if she can pull them up.

17 THE COURT: Is that who we need to talk to is the
18 secretary?

19 MS. CLARK: She's the Episcopal secretary; both of
20 us are secretaries. I'll get with her and try to find
21 the rest of the members ---

22 THE COURT: --- let's see what they want and I'll
23 give you appropriate time to get them. I'm not trying to
24 put undue pressure on you. You've had enough pressure
25 put on you. Thank y'all very much. We'll adjourn and

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1 let's come back at 2:30 okay.

2 MR. CURRY: Thank you, Your Honor.

3 THE COURT: Thank you.

4 [Whereupon, court is in recess from 12:53 p.m. until
5 2:37 p.m.]

6 THE COURT: Are you ready to call your first
7 witness?

8 MR. CURRY: Yes, Your Honor.

9 THE COURT: If you will please before we get
10 started lawyers come up here for just a second.

11 [Whereupon, an off the record bench conference is
12 held]

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1 THE COURT: Call your first witness please, sir.

2 MR. CURRY: I call Herman Boles to the stand.

3 [Whereupon, Mr. Boles comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Once seated if you could please
7 state your first and last name and then spell your last
8 loudly and clearly into the microphone for the record
9 please.

10 THE WITNESS: Herman Boles.

11 - - - - -

12 HERMAN BOLES,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. CURRY:

17 Q. Mr. Boles, how old are you?

18 THE COURT: How do you spell your last name please,
19 sir?

20 THE WITNESS: B-O-L-E-S.

21 Q. [Mr. Curry] How old are you?

22 A. Sixty-six.

23 Q. Sixty-six? And what do you do for a living?

24 A. Seventy-six; I'm sorry.

25 Q. I was going to say you're looking good; looking real

- 1 good. You're 76?
- 2 A. I'm 76.
- 3 Q. And what do you do for a living?
- 4 A. A plumber.
- 5 Q. Now you have a position that you've held for a
- 6 substantial time in the church, Payne Church?
- 7 A. That's correct.
- 8 Q. Payne RMUE Church or whatever we call it you have a
- 9 position is that correct?
- 10 A. That's correct.
- 11 Q. And what is that position?
- 12 A. Steward pro tem --
- 13 THE COURT REPORTER: I'm sorry, repeat your answer
- 14 please.
- 15 A. Steward pro tem pastor steward.
- 16 Q. And what is a steward pro tem slash pastor steward?
- 17 A. He determines the next pastor. He handles the
- 18 business when the pastor is not available.
- 19 Q. Okay. Handles the spiritual life and financial
- 20 life of the church correct?
- 21 A. Correct.
- 22 Q. And how did you get that job?
- 23 A. Nominated by the pastor.
- 24 Q. Right. And after that you assumed it in the
- 25 quarterly conference?

1 A. Yes.

2 Q. Now how long have you been a member of Payne Church,
3 Payne RMUE Church?

4 A. Fifty-six years.

5 Q. You know something about the history is that
6 correct?

7 A. A little.

8 Q. Why don't you tell me a little bit about or tell
9 this Judge about what you know about Payne Church from
10 historical; where did they come from and how did they get
11 there.

12 A. I'll tell you about because I read the history.

13 Q. Okay.

14 A. The history stated that in 1885 that the northern
15 jurisdiction and southern jurisdiction had a
16 misunderstanding. And this is where the split both the
17 AME and the new formed RMUE.

18 MR. CURRY: May I approach the witness, Your Honor?

19 THE COURT: Yes, sir.

20 [Whereupon, defendant's exhibit number 2 is marked
21 by the court reporter]

22 MR. CURRY: May I continue to approach?

23 Q. [Mr. Curry] I hand you what has been premarked as
24 defense exhibit number 2. Do you recognize what that is?

25 [Whereupon, the witness is shown exhibit]

1 [Whereupon, Mr. Johnson reviews exhibit]

2 MR. JOHNSON: I'd object to both the relevancy and
3 the hearsay nature of the letter not as to the history of
4 the church but as to everything else that's in it.

5 THE COURT: Defense number 2 is a letter?

6 MR. CURRY: Your Honor, it's a memorandum prepared
7 by him, Herman Boles, but it doesn't have to go in as a
8 letter it's something that he prepared and he can testify
9 that this is his writing.

10 THE COURT: He can use it to refresh his memory.
11 Are you offering the letter itself?

12 MR. CURRY: Judge, I have not. I'm just using it
13 to refresh his memory.

14 THE COURT: You object to defendant's number 2 is
15 that correct?

16 MR. JOHNSON: Yes, sir.

17 THE COURT: He's not offering it at this time so
18 I'll let him use it to refresh his memory in his
19 testimony and you're welcome to a copy of it for cross-
20 examination Mr. Johnson.

21 MR. JOHNSON: Thank you.

22 MR. CURRY: Thank you very much. May I continue to
23 approach?

24 THE COURT: Yes, sir.

25 Q. [Mr. Curry] I hand you what has been previously

1 marked as defendant's exhibit number 2 just for
2 identification purposes only. If you will flip the page
3 I want to know if you recognize it and is that your
4 signature.

5 [Whereupon, the witness reviews document]

6 A. It is.

7 Q. Now I was asking previously before I ask to
8 introduce the actual exhibit what history did you know
9 from your memory and whatever your collection and why
10 don't you tell this court what you know about Payne
11 Church, Payne RMUE Church, Payne Church Incorporation;
12 just Payne.

13 A. I remember -- you want to know from the pastor on
14 down?

15 Q. Whatever you know about it I want you to do just a
16 succinct history.

17 A. I became a member of Payne Church under Reverend
18 Westmore White [phonetic]. We went on to Reverend B.H.
19 Boles; right on down I know them all. I know when the
20 church was renovated. I know when the new structure was
21 added. I know everything about Payne Church after that;
22 after the alters were extended and all of that.

23 MR. CURRY: May I continue to approach, Judge?

24 THE COURT: Yes, sir.

25 Q. [Mr. Curry] Now there was some pictures on the

1 backside of that document that I want you to tell this
2 court what it says in terms of the founding fathers and
3 mothers and what it says on those pictures and where they
4 were when you got there.

5 [Whereupon, the witness views photographs]

6 MR. JOHNSON: No objection to the pictures, Your
7 Honor.

8 MR. CURRY: Your Honor, what I will do is bifurcate
9 it and snap it apart. Why don't I do that?

10 THE COURT: Defendant's number 2 will be the
11 pictures?

12 MR. CURRY: Well, what we're going to do is --
13 probably so, Your Honor. The 2 would be the 2 pictures
14 that are there; he has no objection to them.

15 THE COURT: You have no objection to the pictures.

16 MR. JOHNSON: That's correct.

17 THE COURT: Defendant's number 2 will be the
18 pictures is that correct?

19 [Whereupon, defendant's exhibit 2 is remarked as 2
20 photographs and introduced into evidence by the court]

21 MR. CURRY: That's correct, Your Honor.

22 Q. [Mr. Curry] I hand you what has been marked without
23 objection as defendant's number 2. What are they?

24 [Whereupon, the witness is shown photographs]

25 A. These are the founders of Payne RMUE Church.

1 Q. When you say the founders of Payne Church are ---
2 A. --- Payne Church; it's Payne Church.
3 Q. And were there founders for the mothers and founders
4 for the fathers?
5 A. Founders of mother and father of Payne Church.
6 Q. And was that in the beginning when this church
7 started?
8 A. That's correct.
9 Q. Let's fast forward a little bit. You got a letter
10 from a Bishop Polite that is defendant's exhibit number
11 one. Do you recall receiving that letter?
12 [Whereupon, the witness is shown exhibit]
13 A. I do.
14 Q. And that letter told you that y'all had Payne ---
15 MR. JOHNSON: --- If Your Honor please, I would
16 object on the grounds that the letter speaks for itself
17 and nothing this witness or any other witness can say
18 about it changes what it says.
19 THE COURT: Just ask him questions about the
20 letter. The letter speaks for itself. If you need to
21 expound upon what's in the letter please do.
22 MR. CURRY: I'm fine with it, Judge.
23 Q. [Mr. Curry] Y'all received a letter and it told you
24 about Payne assessments is that correct?
25 A. That's correct.

1 Q. And it told you that if you didn't pay it then you
2 weren't in good standing correct?
3 A. That's correct.
4 Q. Did Payne Church ever pay those assessments?
5 A. No, we didn't.
6 Q. Prior to that was there any schism where your church
7 was split apart prior to the letter?
8 A. None.
9 Q. So when you got that letter that letter was to
10 Payne?
11 A. Payne Church.
12 Q. RMUE Church but it was to that correct?
13 A. Correct.
14 Q. There was no schism involved correct?
15 A. Not at that time, no.
16 Q. Did you have a pastor at that time?
17 A. Yes, we did.
18 Q. Who was your pastor?
19 A. Pastor Thomas Jennings.
20 Q. Is he here in the courtroom today?
21 A. Yes, he is.
22 Q. And so when you got that letter what did Payne
23 Church do about that letter?
24 A. Since we was not a member of the RMUE anymore and we
25 was kicked out then it was up to the officers to make

1 sure that Payne Church was secured.

2 Q. All right. So when you got that letter what did
3 you think? Did you think just your membership was gone
4 or the buildings were gone or what was out?

5 A. When we got that letter to me that meant that
6 everything that Payne had was gone.

7 Q. Did they put y'all out of the union correct?

8 A. That's correct.

9 Q. Did y'all go to union functions after that?

10 A. No, we didn't.

11 Q. Let's talk about payment. There is RMUE the general
12 church and then there was the local church on Camp Road
13 correct?

14 A. That's correct.

15 Q. How did money flow since you were the money man?

16 A. Money always flows up but never come down.

17 Q. So let's talk about paying mortgage payments. Did
18 RMUE pay mortgage payments?

19 A. RMUE has never done anything for Payne Church.

20 Q. What about insurance?

21 A. Nothing.

22 Q. What about acquiring vans?

23 A. Nothing.

24 Q. And personal property?

25 A. Nothing.

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- 1 Q. What about renovations?
- 2 A. Nothing.
- 3 Q. What about your worship center in terms of your
- 4 family worship center did they help you build that?
- 5 A. They didn't do anything for Payne Church.
- 6 Q. How much did that cost to build that section where
- 7 y'all have -- the new section?
- 8 A. Close to 700,000.
- 9 Q. And that certainly wasn't there back in 1940 and
- 10 1950 is that correct?
- 11 A. Say again?
- 12 Q. Was that -- when did that center get built?
- 13 A. About 11 or 12 years ago.
- 14 Q. Did anybody help y'all build it other than the
- 15 members and the people inside of that Payne Church?
- 16 A. That building was built by the members of Payne
- 17 Church.
- 18 Q. What about possession? Has anyone from RMUE come in
- 19 and said this is our church and y'all need to get out?
- 20 A. No.
- 21 Q. What about membership? What's the size of the
- 22 church membership presently?
- 23 A. About 340 -- 50 or something like that.
- 24 Q. Church is doing well correct?
- 25 A. Real good.

1 Q. Anybody there decided hey, we want to leave this
2 church?

3 A. If they do I don't know anything about it.

4 Q. Y'all had an election after you notified Payne
5 Church, Payne RMUE -- move to strike. After you notified
6 RMUE you all moved forward with your property issues is
7 that correct?

8 A. That's correct.

9 MR. JOHNSON: If Your Honor please, I would object
10 to any testimony about any kind of election that involves
11 documents we have not received. And I think that's the
12 best evidence of such a proceeding if it occurred.

13 MR. CURRY: Judge, my response is I've given him
14 every document that I have. If he alleges there is some
15 document in existence he should have asked me for it. If
16 I had it I would give it to him. As an officer of the
17 court if I don't have it I can't give him what he wants.
18 And I asked him about an election; I didn't ask him about
19 a document.

20 MR. JOHNSON: If Your Honor please that ---

21 THE COURT: --- that's fine but let's clarify if he
22 was at the election was he present he can testify to what
23 he observed and what he saw.

24 MR. CURRY: That's fine, Your Honor.

25 THE COURT: Not some unknown document that hasn't

1 been make available okay.

2 MR. CURRY: That's fine, Judge.

3 THE COURT: He can testify to what he saw and what
4 he observed when he was there but not based on some
5 document.

6 MR. CURRY: Yes, Your Honor.

7 Q. [Mr. Curry] Were you present at an election?

8 A. I was.

9 Q. Was it a congregational election?

10 A. Yes, it was.

11 Q. Were you able to see who voted for what they voted
12 for?

13 A. Yes.

14 Q. What did the congregation vote to do?

15 A. The congregation the majority voted to leave the
16 RMUE.

17 MR. CURRY: Your Honor, may I approach?

18 THE COURT: Yes, sir.

19 Q. [Mr. Curry] I hand you what has previously been
20 marked into evidence as plaintiff's exhibit 7. Do you
21 recognize that document?

22 [Whereupon, the witness is shown exhibit]

23 A. I do.

24 Q. What is it?

25 A. This is the trustees -- stewards and trustees of

1 Payne Church.

2 Q. And were they the stewards that were nominated by
3 the pastor and confirmed by the quarterly conference?

4 A. These names were placed during the time of the RMUE.

5 Q. Okay. And what about the trustees were they the
6 trustees that were elected by the congregation?

7 A. That's correct.

8 Q. I hand you what has been marked as plaintiff's
9 exhibit number 4. It is purported to be a list of
10 trustees and stewards for Payne RMUE. Do you recognize
11 that list?

12 [Whereupon, the witness is shown exhibit]

13 A. No, these are not.

14 Q. So are you telling this court today that you don't
15 know anything about an election for those people who are
16 listed as trustees?

17 A. No, I don't.

18 Q. Have you heard about an election?

19 A. These people here I know them but for the list you
20 show on this form exists.

21 Q. Do you know about what date that paper would have
22 been created?

23 A. No, I don't.

24 MR. CURRY: Beg the court's indulgence.

25 [Whereupon, Mr. Curry and Mr. Johnson confer]

1 MR. JOHNSON: No objection to the extent that it is
2 a business record of some sort.

3 THE COURT: That is defendant's number?

4 MR. CURRY: It would be 3 I guess, Judge.

5 THE COURT: Number 3?

6 MR. CURRY: Yes, Your Honor.

7 [Whereupon, defendant's exhibit number 3 is marked.
8 by the court reporter]

9 THE COURT: What is it?

10 MR. CURRY: It is a letter to the Reformed
11 Methodist Episcopal Church from Herman Boles.

12 [Whereupon, defendant's exhibit number 3 is entered
13 into evidence by the court]

14 MR. CURRY: The date of it would be November 20,
15 2012. May I continue to approach, Your Honor?

16 THE COURT: Yes, sir.

17 Q. [Mr. Curry] I hand you what has been marked as
18 defense exhibit 3. Do you recognize that letter?

19 [Whereupon, the witness is shown exhibit]

20 A. I do.

21 Q. And is that your signature at the very bottom?

22 A. That's correct.

23 Q. Now why did you write this letter to the Reformed
24 Methodist Union Episcopal Church?

25 A. We always supporting the RMUE but we could never get

1 a decent answer or nothing from the RMUE. Every time we
2 send them notice, letters and everything it would always
3 come back with a negative edge.

4 Never did we ever receive anything back that we
5 could compromise with them with. It was always negative
6 on the letter returned. The letter that we sent to the
7 RMUE was registered and the return letter was always some
8 negative words on it.

9 Q. And mainly you had a problem about an audit is that
10 correct?

11 A. The main thing about the audit they didn't want us
12 -- the discipline said that we are supposed to be audited
13 yearly and I was a member for 56 years and I've never
14 know the RMUE have an audit. And we wanted an audit.

15 After the demise of the Bishop we wanted to know
16 where we going? What direction are we heading in? With
17 an audit we could see just how the RMUE stands but we
18 never did get it.

19 Q. Okay. Now if you turn the page this letter was
20 sent November 20, 2012 and you sent this letter to a
21 particular person. Can you tell the Judge who you sent
22 this letter to?

23 MR. CURRY: May I approach and show him Judge?

24 THE COURT: Yes, sir.

25 [Whereupon, the witness reviews document]

1 Q. [Mr. Curry] Who did you send the letter to?

2 A. This letter here was addressed to Barbara B. Clark.

3 Q. Okay. And so -- and she signed for it under the
4 receipt is that correct?

5 A. That's correct.

6 Q. Notifying her that y'all wanted an audit?

7 A. Uh Huh.

8 Q. Yes?

9 A. Yes.

10 [Whereupon, defendant's exhibit number 4 is marked
11 by the court reporter]

12 MR. CURRY: Your Honor, may I approach?

13 THE COURT: Yes, sir. Is that number 4?

14 MR. CURRY: That would be number 4, Judge.

15 THE COURT: What is it?

16 MR. CURRY: Payne Church membership roll.

17 MR. JOHNSON: If Your Honor please, I would object
18 to the relevance of the Payne Church membership in that
19 the issue is did something happen to diffuse the Payne
20 RMUE of its property and what the Payne Corporation did
21 later is or how many people they had or who they were is
22 irrelevant. I also object on the ground that we've been
23 asking for this and we just got it today.

24 THE COURT: You've been asking for what now?

25 MR. JOHNSON: A list of the members of Payne

1 Church.

2 THE COURT: What's the timeframe of the list? What
3 timeframe ---

4 MR. CURRY: --- Judge, he got ---

5 THE COURT: --- membership is going to fluctuate.

6 MR. CURRY: It can fluctuate, Judge ---

7 THE COURT: --- what the date on that certificate?

8 MR. CURRY: Judge, there is no date on it. He's
9 got to testify to it kind of like the date of theirs I
10 don't know the date when it occurred. He would have to
11 testify to it ---

12 THE COURT: --- at least she clarified I think -- I
13 don't remember the exact date but December of '12 or
14 January of '12; I don't remember the exact date she
15 testified. But I'm going to sustain the objection if
16 there is not a timeframe for when this membership was
17 established. And number 2 if he's been asking for it and
18 y'all haven't produced it, it should have been produced
19 it before today.

20 MR. CURRY: Judge, I think we produced everything
21 that we had and so I want to say ---

22 THE COURT: --- have you produced the membership?

23 MR. CURRY: As far as I know Judge. This is just
24 something that was given to me by the church.

25 THE COURT: I understand. He said there was an

1 election. Is there any list of members of that election
2 and the results?

3 MR. CURRY: Your Honor, he is testifying from
4 memory. There may be somebody else that I will bring up
5 but he's testified from memory that he was at the
6 election. There may be someone else that we can bring
7 out to ---

8 THE COURT: --- that's fine. Let's get to the
9 election because that's your theory on why it was a good
10 deed because they were duly elected by the RMUE Church
11 and then later they changed to Payne Church and --
12 together.

13 MR. CURRY: Judge, I'll move forward.

14 THE COURT: If you would get to the election
15 because that's from the court's prospective of what I've
16 heard so far that's sort of crucial when the election was
17 held, who was there, was it a properly called meeting
18 under the rules of the organization or was it not proper.

19 MR. CURRY: Judge, I'm just developing and I'll
20 move forward ---

21 THE COURT: --- I think you've got to call it for
22 three weeks in a row?

23 MR. CURRY: Two weeks.

24 THE COURT: Two weeks in a row, okay. That's the
25 question that I'm going to have to decide factually

1 whether it was a proper deed signed by the proper people.

2 MR. CURRY: Judge, and I'm trying to develop it but
3 if you will give me an indulgence maybe I can flip all
4 this paperwork that we've been doing, just the court's
5 indulgence and let me see what I've got over here.

6 THE COURT: Okay.

7 [Whereupon, Mr. Curry views documents]

8 MR. CURRY: Court's indulgence. You asked me to
9 focus on it so I have to shift gears.

10 [Whereupon, Mr. Curry views documents]

11 MR. CURRY: Court's indulgence. I had to get all
12 my files.

13 THE COURT: Yes, sir. If you need some more time
14 we'll take a break if you do.

15 MR. CURRY: Judge, probably five minutes would work
16 real nice for me since we can get to that point.

17 THE COURT: I'll give you as much time as you need.
18 How much time do you need?

19 MR. CURRY: Judge maybe five or ten minutes.

20 THE COURT: Okay. You want to take a ten minute
21 break?

22 MR. CURRY: I do want to take a ten minute break.

23 THE COURT: All right. We'll take a ten minute
24 break.

25 [Whereupon, court is in recess from 3:07 p.m. until

1 3:17 p.m.]

2 THE COURT: Please be seated.

3 MR. CURRY: Your Honor, may I approach?

4 [Whereupon, defendant's exhibit number 5 is marked
5 by the court reporter]

6 DIRECT EXAMINATION RESUMES

7 BY MR. CURRY:

8 Q. I hand you what has been previously marked as
9 exhibit 5. There is a date on it, what date is that?

10 [Whereupon, the witness is shown exhibit]

11 A. November 20th.

12 Q. November what?

13 A. November 20, 2012.

14 Q. Would the 25th sound about right? I think you said
15 November 20th?

16 MR. CURRY: May I approach, Your Honor.

17 MR. JOHNSON: No objection to the document as a
18 business record, Your Honor.

19 THE COURT: Okay. That's number what 4?

20 MR. CURRY: Five.

21 THE COURT: Five.

22 A. There was a congregational meeting and this was
23 called November the 25, 2012, one p.m.

24 Q. [Mr. Curry] Okay. And you had a congregational
25 meeting with the steward and trustee boards correct?

1 A. That's correct.

2 Q. And in that y'all talked about whether or not y'all
3 were coming or going or staying with the RMUE
4 denomination correct?

5 A. That's correct.

6 Q. And you decided to do what?

7 A. We decided to remain neutral.

8 Q. Okay. Now at that motion on the one, two three,
9 four 5th paragraph there was a motion made by you
10 correct? Do you see it?

11 [Whereupon, the witness reviews document]

12 A. That's correct.

13 Q. And in this note it says that three fourths of the
14 membership present are the majority of the congregation
15 stood in favor of it is that correct?

16 A. That's correct.

17 THE COURT: That's what plaintiff number 4?

18 MR. CURRY: Your Honor, I have -- may I approach?

19 THE COURT: Or number 5?

20 MR. CURRY: Its defendant's 5, Judge.

21 THE COURT: Okay.

22 [Whereupon, Mr. Johnson reviews document]

23 MR. JOHNSON: No objection as a business document,
24 Your Honor.

25 MR. CURRY: Your Honor, may I approach and have

1 this marked?

2 [Whereupon, defendant's exhibit number 6 is marked
3 by the court reporter]

4 THE COURT: You said it was number 6?

5 MR. CURRY: Number 6, Judge.

6 THE COURT: Number 5 admitted without objection and
7 number 6 admitted without objection.

8 [Whereupon, defendant's exhibit numbers 5 and 6 are
9 entered into evidence by the court]

10 [Whereupon, Mr. Curry provides documents to the
11 court]

12 THE COURT: This is number 6?

13 MR. CURRY: Yes, Your Honor. May I approach the
14 witness, Your Honor?

15 THE COURT: Yes, sir.

16 Q. [Mr. Curry] On March 25 the congregation and the
17 steward and the trustee board had another meeting did
18 they not?

19 A. That's correct.

20 Q. And what did y'all decide in that meeting. Take
21 your time and look at that document.

22 MR. JOHNSON: If Your Honor please, out of an
23 abundance of caution would object to the form of the
24 question in that it says the congregation and the board
25 and this refers to a meeting of the board.

1 MR. CURRY: I can rephrase the question ---

2 THE COURT: --- I'll read the letter and see what
3 it says okay. I can do that.

4 MR. CURRY: You want me to rephrase the question,
5 Your Honor?

6 THE COURT: No, just go ahead.

7 Q. [Mr. Curry] Do you recall having people in the
8 congregation present at that meeting?

9 A. Yes.

10 Q. Okay. What did the group decide?

11 MR. JOHNSON: Your Honor, I don't want to be
12 contentious but I think I would object to the form of the
13 question in that I don't know what the group refers to.

14 THE COURT: I'll sustain the objection. Let me
15 read this. Does the letter address a different question?

16 MR. CURRY: Judge, whatever you'd like to do.

17 THE COURT: Let me read the letter okay if you'll
18 give me a minute.

19 [Whereupon, the court reviews documents]

20 THE COURT: Okay. Go ahead.

21 Q. [Mr. Curry] Was there a decision made in this
22 meeting of people?

23 A. There was.

24 Q. Okay. And what did y'all decide?

25 A. We decided to change everything from RMUE Church to

1 Payne Church.

2 Q. Is that your signature on the bottom of that page?

3 A. It is.

4 Q. Now the things that you changed, the property, the
5 real property, personal property all that who purchased
6 that stuff?

7 A. Payne did.

8 Q. You're talking about the general church or are you
9 talking about ---

10 A. --- no general church. The general church is not
11 involved in anything the Payne Church does.

12 Q. You're talking about the local church correct on
13 Camp Road?

14 A. The place at Camp Road.

15 Q. You can testify to the money because you're the
16 keeper of the money and the financial records, is that
17 correct?

18 A. That's correct.

19 Q. And as the pastor you're in charge correct?

20 A. That's correct.

21 MR. CURRY: May I approach, Your Honor?

22 THE COURT: Yes, sir.

23 Q. [Mr. Curry] I hand you what has been previously
24 marked and admitted as plaintiff's exhibit number 1. It
25 is purported to be deeds. Have you found in any of those

1 deeds where they were conveying property to the general
2 RMUE Church?

3 [Whereupon, the witness is shown exhibit]

4 A. No.

5 Q. In fact based on your review of the deeds it appears
6 that the property would have been titled into the
7 trustees of Payne Chapel RMUE Church correct?

8 A. That's correct.

9 Q. And do you know whether the general church or any
10 one person owned that property other than the local
11 trustees on Camp Road?

12 A. The only person who owned 1560 Camp Road was the
13 trustees of Payne Church.

14 Q. Okay. At the point you got the expulsion letter or
15 the letter we'll call it the December 28, 2012 letter
16 that was sent to that church is that correct?

17 A. That's correct.

18 Q. From Bishop Polite correct?

19 A. That's correct.

20 Q. Nobody has ever paid the money, the 20,000 dollars
21 correct?

22 A. Never did.

23 Q. They left, they put the church and whoever else they
24 put in there they put them out on that letter if they
25 didn't pay it correct?

1 A. When they said we was out then everything that Payne
2 Church owned was out, the van; everything.

3 Q. Money?

4 A. Money, everything.

5 Q. Pews?

6 A. Pews.

7 Q. Windows?

8 A. Windows.

9 Q. Organ?

10 A. Organ, cemetery, van; everything ---

11 MR. JOHNSON: --- If Your Honor please I would
12 object to this witness to testify to what it says.

13 That's a matter for the court or what a letter says; it
14 says what it says.

15 MR. CURRY: Judge, but he can interpret it based on
16 the fact it was sent to him and what it meant. So if it
17 says what it says he is not bound by what it says. He
18 is bound by the interpretation because it was sent to him
19 and it was addressed to him.

20 THE COURT: He can testify how he interpreted not
21 how the person that wrote the letter.

22 MR. CURRY: That's right, Judge. Thank you.

23 Q. [Mr. Curry] How did you interpret that letter of
24 December 28, 2012?

25 A. That Payne Church was no longer a member of the RMUE

1 and that Payne Church that meant that everything that
2 Payne Church owned was out of RMUE's hands.

3 Q. Okay. And you got that from the Bishop?

4 A. From the Bishop.

5 Q. Was it signed by him?

6 A. Signed by him.

7 Q. On their letterhead?

8 A. That's correct.

9 Q. Please answer any questions Attorney Johnson may
10 have of you.

11 THE COURT: Cross-Examination?

12 MR. JOHNSON: Yes, sir.

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CROSS-EXAMINATION

2 BY MR. JOHNSON:

3 Q. Mr. Boles, you're not saying that you had a -- that
4 this letter, this number 6 if you've got it in front of
5 you, the letter of March 25th, you're not saying that
6 that reflects a duly noticed congregational meeting are
7 you?

8 A. I'm not saying this is a congregational meeting?

9 Q. Yes, sir?

10 A. Yes.

11 Q. You are or you are not?

12 A. This was a meeting of the members, yes.

13 Q. And you don't have any -- but it says it was a
14 meeting of the board doesn't it?

15 A. Say again?

16 Q. It says it was a meeting of the board.

17 A. Yes.

18 Q. And you don't have any indication, any minutes, any
19 notices -- are your services videoed or recorded? Do
20 they go on the radio?

21 A. No, they don't.

22 Q. Okay. You don't have anything that documents an
23 announcement of any kind of a vote or an election do you?

24 A. Vote or election?

25 Q. Yes, sir?

1 A. When we have a meeting we do have if it comes to
2 that yes we do.

3 Q. And do you have -- I believe you told me once in the
4 past there would be minutes if y'all had a meeting is
5 that correct?

6 A. That's correct.

7 Q. And this is the only meeting minutes you've got
8 right?

9 A. This is the only one I see right here. We have more
10 but that's all I got right here in front of me.

11 Q. And if you had more involved in this you would have
12 given this to lawyer Curry wouldn't you?

13 MR. CURRY: Objection.

14 THE COURT: What's your legal objection?

15 MR. CURRY: Speculation?

16 THE COURT: What's your legal objection?

17 MR. CURRY: It calls for speculation, Judge if he
18 had more ---

19 THE COURT: --- overruled.

20 A. Whatever Attorney Curry got we had that's what he
21 got.

22 Q. [Mr. Johnson] So if he doesn't have it you don't
23 have it is that a fair statement?

24 A. No, I don't.

25 Q. Okay. And this is a record of a steward board and

1 trustee board called meeting is that correct?

2 A. That's correct.

3 Q. Now go back to number 5 the letter of November the
4 25th. Actually I guess you call that a minute maybe
5 instead of a letter.

6 [Whereupon, the witness reviews document]

7 Q. In that you made it clear that you were staying with
8 the RMUE did you not?

9 THE COURT: You're talking about the denomination
10 now?

11 MR. JOHNSON: Yes sir; I'm sorry.

12 Q. [Mr. Johnson] You made it clear that Payne RMUE
13 Church was staying with the RMUE denomination is that
14 correct?

15 A. When was this?

16 Q. On number 5 November 25, 2012?

17 [Whereupon, the witness reviews document]

18 A. Number 5?

19 THE COURT: Number one it says that ---

20 Q. [Mr. Johnson] --- let me show you what I'm talking
21 about.

22 THE COURT: Mr. Johnson, -- it says that [Reading]
23 the pastor and other recommendations proposed from the
24 stewards stay with the RMUE denomination but remain
25 neutral. I mean the letter speaks for itself. Three

1 fourths of the congregation voted and somebody stood
2 against it.

3 Q. [Mr. Johnson] And you also am I correct that you
4 kept the steward board and the trustee board the same?

5 A. That's correct.

6 Q. Now I ask you again are you testifying or not that
7 there was a congregational election scheduled announced
8 two Sundays in a row giving at least 10 days notice that
9 there would be a vote to leave the RMUE?

10 A. That's correct.

11 Q. That is your testimony?

12 MR. CURRY: Asked and answered; objection.

13 A. We said we're having a vote on -- we had an election
14 those who wanted to leave the RMUE and those who wanted
15 to stay with Payne Church.

16 Q. [Mr. Johnson] Let me break it down because I want to
17 make sure that I don't misunderstand. Is it your
18 testimony here that an election was scheduled on that
19 issue?

20 A. Yes.

21 Q. Is it your testimony here that the congregation was
22 noticed at least 10 days in advance on at least two
23 Sundays?

24 A. That's right.

25 Q. All right. And when did this election take place?

- 1 A. The election take place after service that Sunday.
2 Q. All right. Which Sunday is that?
3 A. I don't remember that Sunday.
4 Q. Well, was it the same Sunday that you had the vote
5 of the board?
6 A. The Sunday that we decided -- we had a meeting and
7 we had everybody who wanted to remain with the RMUE we
8 took a name count of everybody who wanted to remain with
9 Payne Church.
10 Q. My question is was that election held on the same
11 Sunday that the board met and voted and was Mr. Curry
12 there or not?
13 A. No, he wasn't there that Sunday.
14 Q. And what Sunday was it?
15 A. I don't remember the Sunday.
16 Q. What month was it?
17 A. Now I cannot remember those months. I didn't keep a
18 record of it. Our secretary does that and if she has one
19 that's the only one we have. But I did not keep a record
20 or date or time on a thing like that; she does that.
21 Q. And I certainly can't remember anything better than
22 you can that's the reason I try to write it down and
23 that's the reason you have minutes. But you don't have
24 any minutes -- or you don't have any minutes you haven't
25 given to lawyer Curry is that correct?

1 A. Whatever minutes we have was given to us by our
2 secretary.

3 Q. Okay. And you gave it to lawyer Curry?

4 A. She gave it to him. I didn't give it to him; she
5 did.

6 Q. So far to date we haven't seen any minutes or any
7 bulletins or any records of a notice of an upcoming
8 election is that correct?

9 A. We announced it across the pulpit; the pastor
10 announced it from the pulpit on Sunday. If it's two or
11 three Sundays he'll say give you one this Sunday and
12 he'll give you one the next Sunday. But as far as the
13 date I cannot remember the date.

14 Q. All right. Do you know whether it is before or
15 after this meeting of the board that is reflected in
16 March 25, 2013?

17 A. No, I don't.

18 THE COURT: Is that the original?

19 MR. JOHNSON: Yes, sir.

20 THE COURT: You may open it and use it if you so
21 choose and we'll mark it as court's exhibit number 1 or
22 do you want to use the copy?

23 MR. JOHNSON: If you want to keep that and mark it
24 that's fine.

25 THE COURT: Does he have a copy?

1 MR. JOHNSON: I was going to give him a copy ---

2 THE COURT: --- why don't you give him your copy
3 and you can use the original. Let's go ahead and get the
4 court reporter to mark it as court's exhibit number 1
5 [sic]. It's an original deposition; I assume its Mr.
6 Boles original deposition is that correct? It's court's
7 2, okay.

8 [Whereupon, court's exhibit number 2 is marked by
9 the court reporter]

10 Q. [Mr. Johnson] Mr. Boles, would you take this and
11 follow with me.

12 [Whereupon, the witness is shown exhibit]

13 Q. If you would, please sir go to page 9.

14 A. Did you say 9?

15 Q. Yes, sir.

16 [Whereupon, the witness complies]

17 A. Okay.

18 Q. Look at line 8. I asked you ---

19 THE COURT: --- Mr. Boles, do you see line 8? The
20 lines should be on the left hand side of the deposition.
21 Do you see line 8?

22 THE WITNESS: I see line 8.

23 THE COURT: He's going to read the question that
24 was given to you in the deposition and ask you to read
25 the answer, do you understand?

1 THE WITNESS: Uh Huh.

2 THE COURT: Okay. Go ahead.

3 Q. [Mr. Johnson] At line 8 I asked you all right let me
4 try again. Last year Payne the corporation came into
5 existence. How did that entity come to have possession
6 of the Payne Church building? What was your answer on
7 line 12?

8 A. Line 12 we just prayed --

9 THE COURT REPORTER: --- I'm sorry, repeat that
10 again.

11 A. Line 12 we just prayed and everyone prayed and that
12 was Payne. We just Payne, never been Payne. That's it.

13 Q. [Mr. Johnson] And did you go on to say all we did
14 was remove the RMUE and its still Payne Church?

15 A. That's correct.

16 Q. And then my question is and who is we who removed
17 the RMUE and what is your answer at line 16? Did you
18 respond the officers of Payne Church?

19 A. That's correct.

20 Q. And I asked you what officers? And was your answer
21 the trustees and stewards?

22 A. That's correct.

23 Q. And then going over to page 10 at line 6 and I asked
24 you were minutes kept and was your answer yes minutes was
25 kept?

1 A. That's right.

2 Q. Then go to line 12 -- I mean page 12.

3 [Whereupon, the witness complies]

4 Q. At line 3 I asked you and was the congregation
5 involved with this and did you answer the congregation
6 was not involved at that time no?

7 A. Uh Huh.

8 Q. And then at line 6 I asked you all right what
9 happened next and did you answer what happened next? We
10 had the RMUE removed from Payne Church.

11 And then I asked okay and was that done by a vote or
12 at a meeting or how was that done that you removed RMUE
13 and did you answer that was done at a meeting? We had a
14 meeting called?

15 A. Which?

16 Q. That would be line 12 and 13.

17 A. That was done at a meeting.

18 Q. Okay. And at line 14 question, a meeting of the
19 stewards and trustees and your answer was that's correct?

20 A. Uh Huh.

21 THE COURT REPORTER: Is that yes?

22 A. Yes.

23 Q. And line 16 and are there minutes of that meeting
24 and was your answer yes there are minutes?

25 A. That's correct.

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1 Q. Go over to line 19.
2 [Whereupon, the witness complies]
3 Q. I mean excuse me page 19 and I asked you regarding
4 certain officers and what pastor made those appointments
5 and at line 13 did you answer Pastor Thomas Junious?
6 THE COURT: What page are you referring to?
7 MR. JOHNSON: Nineteen.
8 THE COURT: Nineteen at line 13 you said?
9 MR. JOHNSON: Yes, sir.
10 THE COURT: Okay. Thank you, sir.
11 Q. [Mr. Johnson] If you would go down to line 17. My
12 question was and as I understand it the pastor has to be
13 both licensed and assigned to the church. Did Bishop
14 Polite license him as a minister?
15 A. No.
16 Q. Who licensed him as a minister?
17 A. Mr. Fred Henderson Moore.
18 Q. And go to page 20 line 8 and who assigned him to
19 that pastorage or and at line 10 your answer was? It's
20 on page 20.
21 A. I've got it.
22 Q. Okay. What was your answer?
23 A. Bishop Moore.
24 Q. And at line 13 I questioned all right sir and you
25 mentioned that RMUE was told not to send a pastor and

1 they sent on anyway is that what you said?

2 A. That's correct.

3 Q. Well, actually to keep up with the way we're doing
4 this at line 16 what was your answer?

5 A. What page?

6 Q. On 20 line 16 did you say yes, I just said they sent
7 one?

8 A. They sent one.

9 Q. Now let me digress from this and maybe we can avoid
10 some of this painful reading. Am I right that members of
11 Payne RMUE that you started charging members of Payne
12 RMUE to use the cemetery just like a stranger?

13 A. When we had a count of the members of who is going
14 to stick with Payne and who is not going to stay with
15 Payne Church those people formed a Payne Church. We did
16 not send them away; they went away on their own free will
17 and accord. They refused not to become a member of Payne
18 Church.

19 Q. And when you say they refused not to come -- they
20 remained with Payne RMUE is that correct?

21 A. That's correct, they did.

22 Q. And you treated them as non-members is that correct?

23 A. That's correct.

24 Q. And you charged them 1,000 dollars apiece for using
25 the cemetery?

1 A. We didn't charge anyone because we never had one
2 yet.

3 Q. Well to be buried there they would have had to pay
4 1,000 a piece just like anybody else?

5 A. That's correct.

6 Q. Let me ask you about plaintiff's exhibit 4 that's
7 the list of trustees.

8 THE COURT: I'm sorry, what page?

9 MR. JOHNSON: I'm on something else temporarily,
10 Your Honor. Exhibit 4 is the list of Payne RMUE
11 trustees.

12 THE COURT: Okay. That's plaintiff's 4?

13 MR. JOHNSON: Yes, sir.

14 THE COURT: Do you have a copy of that by any
15 chance.

16 [Whereupon, Mr. Johnson provides documents to the
17 court]

18 THE COURT: That's plaintiff's number 4 correct?

19 MR. JOHNSON: Yes, sir.

20 THE COURT: Thank you, sir.

21 Q. [Mr. Johnson] Now in your meeting where you announce
22 that you weren't going to pay the contributions to the
23 denomination you also said you would keep the same
24 trustees is that correct?

25 A. That's correct.

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- 1 Q. And the people on the bottom of that list were the
2 trustees at that time, is that correct?
- 3 A. No, you've got two; that's it.
- 4 Q. Let me borrow that back a minute. How about Robert
5 Lee Watson is he a member, is he a trustee?
- 6 A. When the church was Payne, yes.
- 7 Q. When it was Payne RMUE he was a member?
- 8 A. That's correct, he was.
- 9 Q. I mean a trustee?
- 10 A. He was a trustee.
- 11 Q. And he was a trustee up till the last day that Payne
12 RMUE was at Camp Road is that correct?
- 13 A. That's correct.
- 14 Q. How about Sister Joyce Heyward?
- 15 A. No.
- 16 Q. She wasn't a trustee?
- 17 A. No.
- 18 Q. How did she become not a trustee?
- 19 A. I don't know because she wasn't a trustee.
- 20 Q. You're saying she never was a trustee?
- 21 A. Never been a trustee. Now George Heyward, yes;
22 George Heyward was a trustee.
- 23 Q. And how did he ---
- 24 A. --- I know that.
- 25 Q. And you're saying Joyce Heyward ---

1 A. --- yes, she was.
2 Q. She was a trustee?
3 A. Uh Huh.
4 Q. And she was also a trustee right up to the last day
5 they were at...
6 A. That's correct.
7 Q. Probably still is for all you know is that correct?
8 A. Probably still is for all I know.
9 Q. If you voted to keep the trustees when did you --
10 when and how did you ever change any trustees?
11 A. Brother Watson ---
12 Q. --- during the time it was Payne RMUE did you have a
13 change of trustees?
14 A. Change of trustees?
15 Q. Change?
16 A. If someone don't want to be a trustee yes. Like I
17 said that if ---
18 MR. CURRY: --- objection, Your Honor.
19 THE COURT: Hold on, let him finish his answer.
20 Hold on a second let him finish his answer. Go ahead Mr.
21 Boles, go ahead.
22 A. We don't change trustees if they are doing the right
23 job unless they want to resign. As long as they are
24 doing a good job the trustee remains.
25 Q. [Mr. Johnson] And who decides whether they are doing

1 a good job or not?

2 A. Well, the pastor checks with the chairperson and the
3 chairperson knows how he assigns a member. And we as
4 members of the church can look at it and have some
5 influence but mostly the chairman of the trustees knows
6 his members.

7 Q. Are you saying that the pastor or the chairman of
8 the trustee board can remove a duly elected trustee?

9 A. The pastor can, yes.

10 Q. And in this case is it true that Reverend Junious
11 removed or claimed to have removed everybody that didn't
12 agree with him?

13 A. No, that's not true.

14 Q. Did he appoint some trustees?

15 A. The pastor does not appoint trustees. The trustees
16 are elected by the members of the church.

17 Q. And do you have any minutes of an election after the
18 one that said you would keep the same trustees?

19 A. I don't keep minutes. If any minutes there it would
20 be our secretary.

21 Q. Okay. Have you seen any minutes after the one that
22 said y'all would keep the trustees?

23 A. After the minutes?

24 Q. Yes, sir?

25 A. After the minutes have been taken I don't go behind

1 and check for the minutes so I haven't seen it.

2 Q. And I may have asked you this but did you tell me
3 that Reverend Junious appointed some trustees?

4 A. He can.

5 Q. That's what I'm questioning?

6 A. Only if a trustee has been removed and needs to be
7 replaced the pastor can.

8 Q. And on that list of trustees before you which ones
9 were removed?

10 [Whereupon, the witness reviews document]

11 A. The pastor didn't remove any of these trustees here.

12 Q. My question is which ones were removed and then my
13 next question is going to be why.

14 A. From these -- a lot of people on here wasn't even
15 trustees so they could have been removed but they wasn't
16 trustees. These names somebody just put these names
17 here. These are not trustees of Payne Church.

18 Q. Okay. Who were the trustees that y'all
19 reappointed?

20 MR. CURRY: Objection, Your Honor.

21 THE COURT: What's your legal objection?

22 MR. CURRY: There has been no testimony about them
23 appointing trustees, Judge.

24 THE COURT: Overruled. If he doesn't know he
25 doesn't know. If it didn't happen he can say it didn't

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1 happen.

2 MR. CURRY: Fine, Judge.

3 THE COURT: Overruled.

4 A. All these names here they were never trustees of
5 Payne Church --

6 Q. [Mr. Johnson] How many trustees did Mr. Junious
7 appoint?

8 THE COURT: I'm sorry; did who appoint?

9 MR. JOHNSON: Reverend Junious.

10 THE COURT: How do you spell his name?

11 MR. JOHNSON: J-U-N-I-O-U-S.

12 THE COURT: Okay.

13 A. The pastor, Reverend Junious chaired a meeting; the
14 trustees are elected by the members of the church. The
15 pastor just don't go and appoint. The trustees are
16 elected by the members of the church; not the pastor.

17 Q. [Mr. Johnson] Let me show you plaintiff's exhibit 7
18 and ask you which ones of those people assigned as Payne
19 trustees were appointed by Reverend Junious?

20 [Whereupon, the witness is shown document]

21 MR. CURRY: Objection, Your Honor. Once again,
22 he's asked and answered. He told him that ---

23 THE COURT: Overruled.

24 A. All these trustees here was elected by the members
25 of the church.

1 Q. Go to page 45 of your deposition.

2 THE COURT: What plaintiff's exhibit are we talking
3 about on this one?

4 MR. JOHNSON: Its 7, Your Honor.

5 THE COURT: Number 7?

6 MR. JOHNSON: It's what I would call the
7 resignation.

8 THE COURT: Do you have a copy of that?

9 Q. [Mr. Johnson] On page 45 at line 12 I asked you so
10 Reverend Junious appointed some trustees. And was your
11 answer yes?

12 A. The trustees are appointed by the members of the
13 church.

14 THE COURT: If you would read his answer in the
15 deposition -- read from the deposition into the record.

16 MR. JOHNSON: Yes. What happened -- the chairman
17 of the trustee board had asked members if they are
18 willing to work as trustees. If they get a yes for it
19 then they will come to our official board with control
20 and they will be recognized then. If you want to be a
21 member of the trustee board and it's yes then they become
22 a member of the trustee board on the official board.

23 THE COURT: So the second part is about board
24 members not about this Reverend appointing trustees and
25 it says yes.

1 A. What page are you on?

2 Q. [Mr. Johnson] 45.

3 THE COURT: Is the trustee board the same as you
4 keep referring to is different from board of trustees
5 members?

6 MR. JOHNSON: I don't think so, Your Honor.

7 THE COURT: They're one and the same, okay. Go
8 ahead ---

9 MR. CURRY: --- Judge, it may be different
10 depending on if you look at it under Doctrine of
11 Completion they start talking about the general board of
12 the general church so I'm not sure it's clear. If you
13 look at the top he asked him under line 4 at the time
14 Reverend Junious appointed trustees he said Reverend
15 Junious don't appoint trustees. So I think under the
16 completion he's answered it.

17 THE COURT: Go ahead.

18 Q. [Mr. Johnson] Go to page 47 at line 20 I asked, all
19 right at the time of the vote to leave RMUE was the vote
20 by the same trustees that had been appointed at the Payne
21 RMUE Church conference earlier that year.

22 A. Line what?

23 Q. Line 20, page 47.

24 A. At that time -- that's correct.

25 Q. And at that time you looked at that list that is now

1 marked as plaintiff's number 7 which was then exhibit
2 number 1 and did you answer these people, indicating
3 plaintiff's exhibit number 1, wasn't there when we voted
4 for that?

5 A. Where you at? Which one is that?

6 Q. Line 24.

7 THE COURT: Mr. Boles, just read what's in the
8 deposition please, sir.

9 A. Yes. These people wasn't there when they voted for
10 that.

11 Q. Go to page 20 -- I mean, excuse me page 50.

12 [Whereupon, the witness complies]

13 Q. Kind of back up to line 5 my question was, all right
14 thank you for that because I was probably going to ask
15 that but my question is where the trustees that
16 participated in the vote to leave the RMUE trustees who
17 had been elected under an RMUE discipline any RMUE
18 discipline and your answer at line 13 was what?

19 A. There was a few of them.

20 Q. So a few of them were elected under the RMUE
21 discipline but not many, is that correct?

22 A. The majority was.

23 Q. You keep talking about this audit. Y'all didn't
24 want an audit during the whole time Fred Henderson Moore
25 was a bishop did you?

1 A. We wanted an audit all the time. We wanted an audit
2 to see how everything is working at RMUE. We don't know
3 anything about -- Payne Church didn't know anything about
4 how the function of what they were doing up there
5 wherever they are so we wanted to find out just what's
6 going on.

7 Q. My question was in the 56 years you had a part of it
8 you had never seen an audit?

9 A. What they call an audit each minister or each board
10 would write up something on a paper and bring it to the
11 annual conference and that's not an audit. They could
12 put on there whatever they wanted to put on there. We
13 didn't accept that.

14 Q. But you accepted it up until Fred Henderson Moore
15 got kicked out as bishop is that a fair statement?

16 A. Well as far as I'm concerned Fred Henderson Moore is
17 still a bishop.

18 MR. JOHNSON: Nothing further at this time, Your
19 Honor.

20 THE COURT: Redirect?

21 MR. CURRY: Yes, Your Honor.
22
23
24
25

REDIRECT EXAMINATION

BY MR. CURRY:

Q. Reverend Boles, do you still have your copy of your deposition?

A. Yes.

Q. If you will turn to page 10. If you'll look at the bottom right hand side of your page you'll see the page numbers. You see it?

[Whereupon, the witness complies]

A. Uh Huh.

Q. On line 4 the question was raised by attorney Johnson all right was this meeting noticed. What was your reply on line 5?

A. It was.

Q. And were the minutes kept and what was your reply?

A. Minutes were kept.

Q. All right. And then on line 8 he said all right and would those minutes reflect who was there and what was said and what kind of thing. And on 10 you said what?

A. You mean everybody individuals or it was open to the church.

Q. Right. And when you go down to line 22 you said something about you noticed the meeting and your answer in line 24 was?

1 A. We come together and we informed the RMUE.

2 Q. Okay. Let's go to page 45.

3 [Whereupon, the witness complies]

4 Q. Are you ready?

5 A. I'm ready.

6 Q. Okay. On line 2 -- well, on line 4 it says at the
7 time Reverend Junious appointed trustees. And what was
8 your reply on line 6?

9 A. Reverend Junious does not appoint trustees. The
10 trustees are appointed by the members of the church.

11 Q. Okay. Let's go to page 47. Are you with me?

12 A. I'm with you.

13 Q. Line 20 says all right. Johnson asks at the time of
14 the vote to leave RMUE was the vote by the same trustees
15 that had been appointed at the Payne RMUE Church
16 conference earlier that year. And what was your answer
17 on 24?

18 A. These people plaintiff exhibit wasn't there when the
19 vote -- when they voted for that.

20 Q. And you've already testified that that plaintiff's
21 exhibit is --

22 MR. CURRY: Your Honor, may I approach the witness?

23 THE COURT: Yes, sir.

24 Q. [Mr. Curry] That plaintiff's exhibit that is now
25 plaintiff's exhibit number 4 you've already testified

1 those people were not trustees or at least most of them
2 were not trustees that had ever been elected by anybody
3 correct?

4 A. Not as trustees never.

5 Q. You didn't know them to be trustees as well did you?

6 A. They were not trustees of Payne Church.

7 Q. Let's go to page 48.

8 A. I'm there.

9 Q. At line 6 -- well let's go to line 7. All right was
10 there a church conference sometime prior to the vote to
11 leave RMUE is that correct. What was your answer?

12 A. That's correct.

13 Q. Question and do you know when that would probably
14 have been. What's your answer?

15 A. Probably in 2012.

16 Q. Do you know what month is the question on line 13.
17 And what was your answer on line 14?

18 A. No, we would have the conference in November
19 probably.

20 Q. Okay. Let's go to page 50.

21 A. I'm there.

22 Q. Question, okay and the ones that were not elected
23 under RMUE discipline how did they get their positions.
24 At 17 what's your answer? On page 50 line 17 what was
25 your answer?

1 A. I just told you that they were elected by the people
2 of the church.

3 Q. Question on line 19 well I don't understand that. I
4 thought you told me they were appointed by the pastor.
5 Line 21 what was your answer?

6 A. I never told you the trustees were appointed by the
7 pastor.

8 Q. Now does the Book of Discipline tell you how to
9 withdraw from a church from your knowledge?

10 A. No, I don't see it.

11 Q. Does it say who gets to keep the property?

12 A. It says in case of a split the one who remains keeps
13 the property.

14 Q. When you got your notice from the Bishop there was
15 no split in your church was there?

16 A. There wasn't.

17 Q. Everybody was together in the church?

18 A. That's correct.

19 Q. The whole church and the building and everything was
20 put out of RMUE?

21 A. That's correct.

22 Q. Did they ever retract that letter?

23 A. No.

24 Q. Bishop Polite is still the Bishop today correct?

25 A. That's what they said.

Payne RMUE Church v Payne Church et al
Herman Boles-Redirect Examination by Mr. Curry
June 15, 2015

- 1 Q. Did he ever send you a letter and saying he is
2 retracting it?
- 3 A. No.
- 4 Q. Did y'all ever pay the 20,000 dollars?
- 5 A. No.
- 6 Q. Did they ever have you to help you pay your bills or
7 your debts or your mortgages?
- 8 A. The RMUE has never done anything for Payne Church.
- 9 Q. Let's talk about Robert Lee Watson and George
10 Heyward. Do they still attend church? Robert Lee
11 Watson?
- 12 A. Not at Payne.
- 13 Q. George Heyward?
- 14 A. No.
- 15 Q. Did they ever take their name off the roll?
- 16 A. Did they ever take it off?
- 17 Q. Yes, sir?
- 18 A. They never took it off; I think we did.
- 19 Q. But they've never taken it off?
- 20 A. No.
- 21 Q. Let's go back to this congregational meeting about
22 voting to leave the church. Are you sure y'all noticed
23 the church two consecutive Sundays?
- 24 A. I'm positive we did.
- 25 Q. Okay. Are you sure you had a congregational

1 meeting and not just a steward or a trustee meeting?
2 A. No, no, no we had a meeting with everybody right
3 there at the church. It was given out and everybody was
4 there; who wanted to be there was there.
5 Q. And everybody was noticed?
6 A. Everybody was noticed.
7 Q. And is it your position that the majority of the
8 church had voted to continue remaining outside of RMUE
9 after they had been noticed in December 28, 2012?
10 A. That's correct.
11 Q. And they never paid any money or tried to get back
12 in?
13 A. No, never did.
14 Q. Please answer any questions Mr. Johnson may have?
15 THE COURT: Any recross?
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RECROSS-EXAMINATION

BY MR. JOHNSON:

Q. Let me ask you, you were talking about the Book of Discipline. On page 34 and I think you even quoted this from memory, which is pretty impressive but on page 34 paragraph 2 what does that say about a division in the congregation and what becomes of the property?

[Whereupon, the witness is shown document]

A. In case the property and ownership presents questions the vote to sell must be unanimous. Should they have a schism or split the remaining member has a right to said property.

Q. All right. So the remaining members of Payne RMUE have a right to the property is that what it says ---

MR. CURRY: --- objection ---

A. --- that's not what it says ---

THE COURT: --- hold on a second. What's your legal objection?

MR. CURRY: It calls for a conclusion that he may not have the ability to make.

THE COURT: He can give his opinion. Please answer the question for him Mr. Boles.

A. Payne Church is still there. Payne Church didn't move. Those members moved from Payne Church. Payne Church is still there.

1 Q. [Mr. Johnson] Are you saying that because y'all were
2 able to force them out of the building they lose?

3 A. We didn't force them out of the building.

4 Q. You evicted them.

5 A. They could come in. That church is open to
6 everybody. They can come in any time they want to. They
7 weren't forced out. On their own they wanted to leave
8 and walked out.

9 Q. You didn't call five or six police cars to have them
10 kept out?

11 A. The reason those police cars were there they had
12 come and caused an interruption in our service and they
13 wanted to fight and everything and we wanted to have a
14 spiritual time. So that's the only way we could have a
15 spiritual service is to have somebody there to make sure
16 that it goes well.

17 But we didn't call the policeman there to keep them
18 out of the church. They could have come into the church
19 and enjoyed service just like anybody else. Never one
20 day did we want to keep anybody out of Payne Church.

21 Q. And you didn't keep out the duly appointed pastor,
22 Reverend Simms ---

23 A. --- Reverend Simms ---

24 Q. --- from coming into the church?

25 A. Reverend Simms could have come into the church. We

1 didn't stop him but he wasn't going to come in to take
2 over. But he could have come in. Anybody can come in
3 Payne Church but we wasn't going to let him take over the
4 church.

5 Q. Thank you, sir. That's all I have.

6 THE COURT: You may step down Mr. Boles. Thank you
7 so very much.

8 MR. CURRY: Judge, I have one question.

9 THE COURT: We're going to break at this time.
10 It's ten minutes from when we said we were going to
11 break. He's finished -- we had direct, cross, reply, and
12 recross. We're not going any further.

13 MR. CURRY: I'm fine. I thought that was my cross
14 Judge when I first did that.

15 THE COURT: No, it was your redirect of your
16 witness. You may step down Mr. Boles.

17 [Whereupon, the witness is excused and exits the
18 witness stand]

19 THE COURT: You've had direct and reply and he's
20 had cross and recross.

21 MR. CURRY: I'm fine, Your Honor.

22 THE COURT: That's as far as the rules allow.
23 Thank y'all so very much. See y'all in the morning at
24 9:30. We'll adjourn until 9:30.

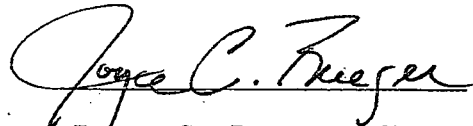
25 [Whereupon, court adjourns at 4:23 p.m.]

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of Common Pleas for Charleston County, South
Carolina on the 15th day of June, 2015.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

June 9, 2016



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PAYNE RMUE CHURCH

Plaintiff

vs.

PAYNE CHURCH

Defendant

THE COURT OF COMMON PLEAS

DOCKET NO. 2013-CP-10-3843

TRANSCRIPT OF RECORD

June 16, 2015

Charleston, South Carolina

Volume 2 (of 2)

B E F O R E:

THE HONORABLE J. C. NICHOLSON, JUDGE

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

DARRELL T. JOHNSON, ESQ.
Attorney for the Plaintiff

EDUARDO CURRY, ESQ.
Attorney for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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8	Quit Claim deed	204	204
9	Letter (redacted)	266	270
10	Letter (redacted)	266	270

Payne RMUE Church v Payne Church et al
Proceedings
June 16, 2015

1 PROCEEDINGS
2 THE COURT: Is the defense ready to call your next
3 witness?
4 MR. CURRY: Yes, Your Honor.
5 THE COURT: Call your next witness.
6 MR. CURRY: I call Derrick Lucas to the stand.
7 THE COURT: Jerry who?
8 MR. CURRY: Derrick Lucas.
9 THE COURT: Derrick Lucas, okay.
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1 [Whereupon, Mr. Lewis comes forward]

2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]

4 CLERK OF COURT: Once seated if you could please
5 state your first and last name and then spell your last
6 loudly and clearly into the microphone for the record
7 please.

8 THE WITNESS: Derrick Lucas, L-U-C-A-S.

9 - - - - -

10 DERRICK LUCAS,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. CURRY:

15 Q. Mr. Lucas, good morning I'm Eduardo Curry; I'm a
16 lawyer. What is your position -- I think the Judge wants
17 us to get to the point pretty quickly nowadays, what is
18 your position at Payne Church?

19 A. I am the President of the trustee board and we call
20 it trustee pro tem.

21 Q. Okay. And what is a trustee as the definition as
22 your understanding?

23 A. The definition of a trustee is a trustee is in
24 charge of all temporal concerns of the church, all the
25 assets, properties, all the physical beings and all the

1 church grounds and properties that the church owns.

2 Q. Okay. And were you a member of the trustee board
3 in December 2012?

4 A. Yes, sir.

5 Q. Tell the Judge what was the status of the church.
6 Was it splintered, was it whole, was it functioning; what
7 was your understanding?

8 A. No, the church was still intact at the time of the
9 confusion. There was no split, we had all of our trustee
10 members on board, all the steward board members; it was
11 just an uproar. So at the time of the confusion the
12 church was still intact.

13 MR. CURRY: Your Honor, may I approach the witness?

14 THE COURT: Yes, sir.

15 Q. [Mr. Curry] I hand you what has been marked and
16 entered into evidence as defendant's exhibit number 1.
17 Do you recall seeing that letter?

18 [Whereupon, the witness is shown exhibit]

19 A. Yes.

20 Q. Okay. And that letter is the letter from Bishop
21 Polite is that correct?

22 A. That's correct.

23 Q. And it was dated what date?

24 A. December 28, 2012.

25 Q. And December 28, 2012 was the Payne Church RMUE at

1 Camp Road was that church intact and operating with
2 stewards and with trustees?

3 A. Yes.

4 Q. And what was your understanding of the letter?
5 Without reading the letter what was your understanding?

6 A. When we first received the letter from my
7 understanding even before we met to discuss it when I
8 read it when it came in it was that the RMUE was kicking
9 us out of the union because we didn't pay the conference
10 claim.

11 At the time the acting Bishop, Polite pretty much
12 told us that Payne Church now is no longer in the union
13 so we were on our own standing alone. So we just
14 continued with our property with our church and with our
15 members because if we're in charge of something in the
16 church and it's our job to maintain it so we couldn't let
17 this letter hurt the church because that's what trustees
18 and stewards do; we protect the assets and the church and
19 the souls that we try to save.

20 So we continued moving forward and we had to pick up
21 the pieces and deal with all the members that were
22 disgruntled and keep the members that were still intact
23 aboard because that's our job. That's the oath that we
24 took and that's the position that we held.

25 Q. What is your understanding of how many members are

1 in Payne Church?

2 A. I think I looked at the roll probably last week and
3 it was about 330, 330 or so.

4 Q. Y'all didn't leave voluntarily on your own is that
5 correct?

6 A. No, we decided to -- as far as the church itself
7 from the union?

8 Q. Right.

9 A. We decided to actually be neutral until the
10 confusion was gone but we were actually by the letter we
11 were actually kicked out so we didn't leave on our own.

12 Q. All right. In terms of the church building and
13 church structure did the general church -- and when I
14 think of general church Reformed Methodist Union
15 Episcopal Church did they help you all purchase any
16 property?

17 A. No, sir. And that was one of the questions that I
18 had too because we're actually paying them to be part of
19 the union and I guess that's how it's established.

20 And so our job is to throw functions, fundraisers,
21 donations and members paying their tithes and offerings
22 is how we function and run the church.

23 Q. What about making any construction? Have y'all had
24 construction around the church, renovations around the
25 church, repairs around the church did the general church

1 participate in that?

2 A. No, sir. Once again, all of our functions pay for
3 the renovations. We have fundraisers all through the
4 church and all the members are probably tired of it but
5 there is things that we have to get done.

6 We have an old church so there are a lot of repairs
7 and of course it falls on me to make it happen so
8 definitely we've got to raise money. So no monies were
9 sent down to us.

10 Q. Now in that letter is it your understanding that
11 Bishop Polite said give us back our physical property
12 that we own or give us back the vans or give us back all
13 that stuff? Did you read that letter to say that?

14 A. No sir, none of that was mentioned because how can
15 they take something that belongs to the church. It's not
16 the union's property.

17 Q. Okay. Is it your testimony that the trustees along
18 with the members they maintain and paid all of their
19 bills and debts and liabilities that were on the church?

20 A. That's correct. We struggle but we maintain.

21 Q. What is your understanding of what a church is for
22 the Judge based on your Discipline and based on your
23 practice and customs?

24 A. Practice and customs growing up in the church my
25 definition a church is supposed to be a safe haven;

1 somewhere that you can go to get away from your day to
2 day negative things and be able to get spiritually
3 enriched and also to be happy. A church isn't a place to
4 go to -- let me back up for a minute.

5 That's why I'm so kind of upset about the whole deal
6 altogether because when you go to church you're supposed
7 to go for a couple of things one to get a spiritual word
8 and that's what I believe and that's the way I was
9 raised, two is to be away from all the negative things on
10 the outside; not to come to church and argue and fuss.

11 But on another level as far as the church is
12 concerned this is a place of refuge, this is a place of
13 being safe and that was definitely compromised.

14 MR. CURRY: Your Honor, may I approach the witness?

15 THE COURT: Yes, sir.

16 Q. [Mr. Curry] I'll hand you what has already been
17 admitted into evidence as plaintiff's exhibit number 3.
18 You read the Discipline is that correct?

19 A. Yes, sir. I haven't read the whole Discipline.

20 Q. Did you get a chance to look and see based on your
21 understanding of church what the glossary of that
22 Discipline says that the church is?

23 A. Yes.

24 Q. And what did the glossary say in terms of definition
25 from the Discipline?

1 A. [Reading] The church is a congregation of faithful
2 persons in which the pure word of God is preached -- and
3 that's what I said earlier -- and sacraments duly
4 administered according to God's ordinance his ministry
5 through witnesses and service is His word. Often refuge
6 to a building where the people gather and worship and
7 disperse for service.

8 Q. Okay. And so when Bishop Polite gave you that
9 letter Bishop Polite didn't tell y'all what he was
10 expelling or what he was putting out whether it was the
11 building or the people or what in his letter based on
12 your knowledge correct?

13 A. Yes, that's correct. Based on my knowledge he was
14 kicking the members out of the union.

15 Q. And was he also kicking the church out; the physical
16 structure?

17 A. Yes, sir.

18 Q. Did y'all ever pay the 20,000 dollars?

19 A. No, we haven't.

20 Q. As a trustee would you explain to His Honor how you
21 can become a trustee in the Reformed Methodist Church?

22 A. Yes. There are actually several ways but there is
23 one way at the end. The several ways are -- let me go by
24 protocol, to establish a trustee the trustee has to be
25 presented by his leader so it has to be the trustee or

1 someone asking this individual would you like to become a
2 trustee or would you care to participate on the board.
3 And then if that individual says yes then he has to go to
4 his leader. Once he goes to his leader the leader has to
5 present him in an official board meeting and that's the
6 general meeting of the church as far as business is
7 concerned.

8 Once he's presented at the official board meeting
9 then it goes to the congregation when we have a
10 congregational meeting. And at that congregational
11 meeting those names are read by the pastor and all those
12 individuals stand up. And then that individual or
13 individuals will be presented to the general church
14 conference.

15 And at that time if any member of that congregation
16 and the church see fit that member does not meet the
17 requirements or they have an issue with them they'll call
18 them out then. But if not then they will be elected at
19 the church general conference.

20 Q. Can a pastor appoint a trustee without an election?

21 A. No. The pastor can nominate a trustee. Just say
22 for instance we have a trustee that gets sick and is no
23 longer able to perform his duties then the pastor can say
24 well, I'd like to see certain Brother John placed on the
25 trustee board. But he still has to come to the general

1 conference to be elected by the congregation. He cannot
2 appoint him but he can recommend him at that time.

3 Q. At the point that the December 28th letter from
4 Bishop Polite was issued to you all y'all had an active
5 trustee board is that correct?

6 A. That's correct.

7 Q. And the church was not split under your
8 understanding?

9 A. No, it wasn't.

10 MR. CURRY: Your Honor, may I approach the witness?

11 THE COURT: Yes, sir.

12 Q. [Mr. Curry] I'll hand you what is plaintiff's
13 exhibit number 4. And under it it purports to be a
14 Reformed Methodist Union Episcopal Church it says
15 official officers list. Do you see that where I see it?

16 [Whereupon, the witness is shown document]

17 A. Yes, sir.

18 Q. Now I want you to look particularly at trustees
19 because you are a trustee. Can you tell me if any of the
20 names of those people who were on the trustee board with
21 you at the point the letter Bishop Polite gave in
22 December of 2012?

23 A. There are a couple but the problem with this letter
24 is my name is not on it as chair.

25 Q. Okay. So let's look at that list of trustees and I

1 want you to go down and call the name and tell me were
2 they on the Payne RMUE trustee board when that letter was
3 sent by Bishop Polite.
4 A. At the time -- I guess I'll start at the top.
5 Q. For the trustees.
6 A. For the trustees right. Paul Washington no, Robert
7 Lee Watson yes, Nathaniel Smalls no, Nathaniel Prioleau
8 no, Evangelist Reginald Jenkins no, Brother Charles Eaton
9 yes, Brother Albert Prioleau yes, Theodore Seabrook no,
10 Joyce Heyward yes, Rosa Chisolm yes, Aletha Singleton
11 yes.
12 Q. Okay. And you don't know whether or not any of
13 those other than the people you said yes the other people
14 you don't know whether or not they had an election or not
15 do you?
16 A. No, sir. But there are a lot more trustees that are
17 not on this list.
18 Q. Correct. Now the trustees those trustees left the
19 church is that correct?
20 A. That's correct.
21 Q. Why don't you name the trustees that remained there
22 with the organization after they left -- and I'm going to
23 hand you what is plaintiff's exhibit number 7 and there
24 are a list of trustees that are on there, correct?
25 A. That's correct.

1 Q. Why don't you read out those names?

2 A. Regis Cromwell [phonetic], Jacqueline Miller,
3 Elizabeth Parker, Willie Parker, myself Derrick Lucas,
4 and there are a few more name that are actually not on
5 here.

6 Q. Right. So they are actually the bulk of the
7 trustees they were still right there is that correct?

8 A. That's correct.

9 Q. And so y'all didn't forcibly leave the RMUE Church,
10 the RMUE Church; they put you out correct?

11 A. That's correct.

12 Q. Do you think it was justified?

13 A. No. Only for dues which to be quite honest with you
14 if I may I never understood why we were paying so much
15 money and never got anything out of it. And that was
16 always my gripe as a trustee president.

17 Although I'm not in charge of finances but my money
18 goes in the church. So being that we were paying so much
19 money to the union and not getting anything out of it was
20 always my question about it.

21 Q. Did y'all notify the church that y'all wanted an
22 audit and wanted to know where your money was going?

23 A. Absolutely. The whole reason behind the audit is
24 when the issue with Bishop Polite at the time when they
25 accused him of finance issues. So at that time it was

1 right before the conference was coming so it was time for
2 us to send the money up so we got together and decided
3 that we would not send the money up because we don't know
4 the status of the RMUE connection; the union at that
5 time.

6 So why should we send the money up when they are
7 accusing someone who is at the top at the bishop position
8 of mishandling -- misappropriating funds. So it was
9 decided by the officers and a few of the members as well
10 not to send the money up; to hold back until this issue
11 was resolved and that spiraled everything.

12 Q. Okay. Now when I start talking about Payne Church
13 at Camp Road this is not like a new church is it?

14 A. No. It's an old saying the church been there before
15 many have been there.

16 Q. And in fact there are pictures on the wall and
17 documents on the wall that talks about Payne Church and
18 the founding fathers and the founding mothers correct?

19 A. That's correct of Payne Church.

20 Q. I'll hand you defense exhibit number 2. What is
21 that that I've handed you?

22 [Whereupon, the witness is shown exhibit]

23 A. It is two pictures. One is the founding fathers of
24 Payne Church 1875 and one is the founding mothers of
25 Payne Church of 1875.

1 Q. Anywhere on there it says RMUE?

2 A. No, sir. My understanding of that is they weren't
3 part of RMUE back then.

4 Q. Where did Payne Church come from?

5 A. Payne Church was there. I think it was Payne Chapel
6 before it became anything so it was Payne Church way
7 before any union. It was a member of the AME.

8 Q. And they left the AME Church?

9 A. And then they joined with the RMUE because of the
10 split.

11 Q. Now Mr. Lucas I want to ask you a question. Is
12 there a difference between trustees for the Reformed
13 Methodist Episcopal Union Church versus trustees of the
14 local church Payne at Camp Road?

15 A. Yes, it is.

16 Q. Why don't you explain to the Judge the difference?

17 A. Well the difference is the trustees of the local
18 churches -- the trustees of the local churches are
19 responsible for that property where they worship at. Now
20 the I guess the trustees of the RME union is what I
21 understand it to be is totally different.

22 They are in charge of anything that comes up meaning
23 I think they have a headquarters on Magnolia that has
24 probably never been used so maybe they are responsible
25 for that but they're not responsible for any functions or

1 any property any repairs to the local churches which I'm
2 a member of.

3 Q. And the general church RMUE does not own the local
4 church which would be at Camp Road.

5 A. That's correct.

6 Q. That's owned by trustees ---

7 A. --- that's owned by the trustees of that local
8 church, the Payne Church, correct.

9 Q. And at the point that you got that letter of
10 December 28, 2012 you were one of the trustees and the
11 trustee pro tem at that church correct?

12 A. That's correct. I was the president of the trustee
13 board.

14 Q. And your church was owned by the trustee board which
15 you were there correct?

16 A. That's correct.

17 Q. And you all did not leave the RMUE Church is that
18 correct?

19 A. That's correct.

20 Q. They put you out, correct?

21 A. Yes, sir.

22 Q. What about those trustees that appeared on that list
23 on that church that is visiting at Jerusalem? Did y'all
24 put them out?

25 A. No, sir. We didn't put anyone out. If anyone

1 didn't care to remain because of the issue that was going
2 on they left on their own free will and accord. And our
3 job is to try to keep one as whole because we need the
4 members so if they left they left on their own.

5 Q. Correct. Nobody sent you a letter telling you they
6 were taking you down from the trustee board or removing
7 you from the trustee board or you're no longer a trustee
8 correct?

9 A. No, sir.

10 Q. And you're still a trustee in that church correct?

11 A. I am.

12 MR. CURRY: Your Honor, may I approach the witness?

13 THE COURT: Yes, sir.

14 Q. [Mr. Curry] I hand you what has been marked as a
15 package of like it looks like it is deeds that has been
16 admitted.

17 [Whereupon, the witness is shown exhibit]

18 Q. Do you see one of the circles that was already there
19 on that was just part of a packet on the deeds can you
20 tell me who -- and I'm just looking right here to point
21 it and I guess there is a first paragraph which is the
22 actual metes and bounds and right under that it says to
23 have and hold. Can you read some of that out?

24 A. Yes. To have and hold all the singular of the
25 increment premises unto the said Wesley Campbell -- do

1 you want me to read the names?

2 Q. Yes?

3 A. Joseph Grant and James Grant, trustees, their
4 successors, trustees and assigner and all said premises
5 are used for religious and burial purposes.

6 Q. Okay. Now that was like the cemetery right?

7 A. That's correct.

8 Q. But it wouldn't surprise you if the place where the
9 actual physical structure of the church it wouldn't
10 surprise you that it is also to the trustees of Payne
11 Chapel? That wouldn't surprise you would it?

12 A. No. And there is actually a cemetery on the
13 property as well.

14 Q. All right.

15 MR. CURRY: Beg the court's indulgence.

16 THE COURT: Yes, sir.

17 [Whereupon, Mr. Curry reviews documents]

18 Q. [Mr. Curry] That church, Payne Church at Camp Road
19 subject to all this litigation is still functioning is
20 that correct?

21 A. That's correct.

22 Q. And y'all got about how many 300 or 350?

23 A. About 330 to 350.

24 Q. Okay. And it's still paying its bills?

25 A. Yes, sir.

1 Q. Still taking care of whatever you need to take care
2 of correct?

3 A. Absolutely.

4 Q. In fact you even had to do some refinancing did you
5 not?

6 A. We did. We did some of that for the fellowship hall
7 just to make sure we're covered.

8 Q. Because you got to pay your bills?

9 A. We've got to pay the bills, yes sir.

10 Q. And you did it in the name of Payne Church correct?

11 A. Yes, sir.

12 Q. Please answer any questions Attorney Johnson may
13 have for you.

14 THE COURT: Cross-Examination?

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CROSS-EXAMINATION

BY MR. JOHNSON:

Q. Mr. Lucas kind of starting with last things first
let me get you to look back at that deed. It seems like
you might have left -- start with the words trustees and
read that line starting with the word trustees.

A. Can you show me which paragraph you're talking
about? Are you talking about at the end of the
paragraph?

Q. Yes, sir. Trustees for...

A. Trustees for Payne Chapel RMUE all that lot pieces
and parcels of land ---

Q. --- okay, that's...

A. So trustees of Payne Chapel.

Q. Payne Chapel RMUE is that correct?

A. That's what it says.

Q. That's what the deed says?

A. That's what it says.

Q. All right. Now there is another deed that I don't
think anybody has put into evidence. I'm not sure I've
got a clean copy but let me show you...

[Whereupon, Mr. Johnson shows documents to Mr.
Curry]

MR. CURRY: Without objection, Judge. It's our --
it's a deed ---

1 THE COURT: --- dated March 27, '13 deeding from
2 Payne RMUE ---

3 MR. CURRY: --- yes sir, without objection.

4 THE COURT: Okay. You're going to mark it as
5 defendant's exhibit what or plaintiff's exhibit what?

6 MR. JOHNSON: It will be plaintiff's 8.

7 THE COURT: Plaintiff's 8 the deed from RMUE to
8 Payne right?

9 MR. JOHNSON: Yes, sir.

10 MR. CURRY: Yes, Your Honor.

11 THE COURT: All right. On March 27, '13 I
12 believe.

13 [Whereupon, plaintiff's exhibit number 8 is marked
14 by the court reporter]

15 [Whereupon, plaintiff's exhibit number 8 is entered
16 into evidence by the court]

17 MR. CURRY: Judge, I'll say for the record I
18 thought it was part of the number 1 package, plaintiff's
19 exhibit number 1.

20 THE COURT: I did too.

21 MR. JOHNSON: It may be. If it was, I didn't see
22 it.

23 THE COURT: I thought it was all three deeds, all
24 four deeds were ---

25 MR. CURRY: --- all four deeds were in that packet,

1 Your Honor.

2 [Whereupon, Mr. Johnson reviews documents]

3 THE COURT: I may have it up here. What are you
4 looking for?

5 MR. JOHNSON: The letter where they said they
6 weren't going to be part of the AME anymore.

7 THE COURT: I've got a copy of it right here, its
8 defendant's number 5. I've got one here if you need it.

9 Q. [Mr. Johnson] Now on March 25, 2013 y'all wrote a
10 letter resigning from the RMUE is that correct?

11 A. Yes, that's correct.

12 Q. And you -- I'm a little confused. You said if I
13 recall right that y'all had been kicked out of the RMUE a
14 long time before that back in December or so is that
15 correct?

16 A. That's correct. I believe when this letter was
17 written there was still rebuttals about where we stood.
18 They kicked us out but they tried to say we were still
19 part of it but the first letter from Bishop Polite
20 clearly indicates that we were removed from the union.

21 And this letter was sent out as a reminder of where
22 we stood; not that we're trying to get out twice. You
23 can't get out twice if you're already out once.

24 Q. Well, if you -- so it's your testimony that you were
25 out in November or December and then you were out again

1 or double out on March 25th is that right?

2 A. I don't think there is a term meaning double out so
3 I'm not going to answer to that.

4 THE COURT: You can answer the question. If you
5 don't understand it you can answer yes or no but you're
6 not going to sit there and not answer the question okay.

7 THE WITNESS: Yes, sir. Can I ask for
8 clarification I guess?

9 THE COURT: If you don't understand the question
10 you can say that.

11 A. I don't understand double out. I'm sorry.

12 Q. [Mr. Johnson] Let me ask you at the latest possible
13 time you were out was March 25th is that correct?

14 A. Based on this letter that came from the church
15 that's correct.

16 Q. So whether that was redundant or not you were no
17 longer a part of Payne RMUE or the RMUE at that point is
18 that right?

19 A. Yes, based on Bishop Polite and based on the members
20 of the church correct.

21 Q. Okay. Now what confuses me -- let me show you what
22 has now been marked as plaintiff's number 8. Can you
23 tell me what that is?

24 [Whereupon, the witness is shown exhibit]

25 A. I'm sorry I haven't seen this. I don't know what

1 this is.

2 Q. You didn't sign it?

3 A. No, sir. My name is Derrick Lucas. I don't see
4 that on there.

5 Q. Yes, sir. When you were a Payne RMUE trustee you
6 were the head trustee is that correct?

7 A. Yes, I was the president of the board trustee pro
8 tem.

9 Q. And you're still the head trustee at the new Payne?

10 A. That's correct.

11 Q. And I'm looking at what purports to be a deed dated
12 March the 27th from the trustees of Payne Chapel RMUE to
13 the trustees of Payne Church not RMUE. And it's dated
14 the 27th and it doesn't include your name is that
15 correct?

16 A. That's correct.

17 Q. So this wasn't by the trustees of either church or
18 it wasn't by a majority of the trustees of either church
19 is that correct?

20 A. I'm not sure where that came from. This is my first
21 time seeing it so I can't answer that.

22 Q. And let me ask you this. On that letter of
23 resignation plaintiff's number 7 I think it is or did I
24 keep it?

25 A. I have it.

1 Q. Is Regis Cromwell [phonetic] on there?
2 A. Yes, he is.
3 Q. Is Jacqueline Miller on there?
4 THE COURT: Which one are you referring to now?
5 Hold on a second. Which exhibit are you referring to?
6 MR. JOHNSON: Plaintiff's 7.
7 THE COURT: Its 7? Okay. I'm with you; go ahead.
8 Q. [Mr. Johnson] Is Jacqueline Miller on the
9 resignation letter?
10 A. Yes, she is.
11 Q. Is Willie Parker on the resignation letter?
12 A. Yes, he is.
13 Q. Would you agree with me that this deed by people
14 claiming to be trustees of Payne RMUE was signed two days
15 later after they resigned from Payne RMUE?
16 A. I won't agree on that letter because that's the
17 first time I'm seeing it. So the members that I know
18 that are on my board are the names that are on this list
19 exhibit 7. The one you just showed me is not to my
20 knowledge and I didn't sign it so I know it's not
21 factual.
22 Q. Now this letter from defendant's exhibit 1 from
23 William Polite to Payne Church now it characterizes y'all
24 as not in good standing is that correct?
25 A. That's correct.

1 Q. And it addresses your right to send delegates to the
2 annual conference ---

3 MR. CURRY: --- Judge, I'm going to object. The
4 letter says what it says ---

5 THE COURT: --- what's your legal objection?

6 MR. CURRY: Judge, the letter states what it states
7 and it stands for what it stands for ---

8 THE COURT: --- overruled. Go ahead.

9 Q. [Mr. Johnson] Is that correct?

10 A. Can you repeat the question please?

11 Q. It says y'all are not in good standing is that
12 correct?

13 A. That's correct.

14 Q. And it says that creates a problem with your
15 delegates to the annual conference is that correct?

16 A. I don't know if it says it creates a problem with
17 the delegates. It just said that...

18 [Whereupon, the witness reviews document]

19 Q. And it states that it creates a problem with the
20 licensing of a minister is that correct?

21 A. That's correct.

22 Q. And it states -- does anywhere there say that Payne
23 Church is permanently and irrefutably expelled from the
24 RMUE?

25 A. Well from my knowledge once you're not in good

1 standing with the RMUE you're not part of it. And that's
2 I believe it's in the Discipline.

3 Q. And one day late and you were out for good is that
4 your testimony?

5 MR. CURRY: Objection, Your Honor.

6 THE COURT: What's your legal objection?

7 MR. CURRY: That's not what he stated.

8 THE COURT: Overruled.

9 A. It's not one day late. This letter was sent long --
10 well not sent but we requested to be neutral long before
11 this letter was sent. So I'm not going to say that one
12 day late is out. This letter took time from November to
13 write this letter from when we initially sent our letter.

14 So our letter was telling them we were remaining
15 neutral. The response that we got was this letter saying
16 that we were no longer part of it because we're not in
17 good standing. So yes this letter was kicking us out; no
18 not a day late.

19 Q. [Mr. Johnson] Well you were saying in the Discipline
20 it said if you didn't pay your money you were out; is
21 that not what you said?

22 A. I said in the Discipline it says something about not
23 being in good standing; not saying that you're out ---

24 Q. --- if you don't send your assessments or whatever
25 you're not in good standing is that correct?

1 A. That's correct.

2 Q. All right. So my question is if your check is a
3 day late does that mean that a church, any church not
4 your church, a church is permanently out of the union or
5 is there some discretion.

6 MR. CURRY: Objection Judge, calls for speculation.

7 THE COURT: Overruled.

8 A. My belief is the RMUE wants the money. We're the
9 largest church -- were the largest church in the
10 denomination. Being that we didn't pay the money yes
11 that means that we were out.

12 Q. [Mr. Johnson] Under the theory that they wanted the
13 money doesn't that logically mean that you weren't out
14 permanently; that you could make peace if you wanted to.

15 A. When we received the letter we were notified from
16 Bishop Polite at the time that we were out because we're
17 not in good standing.

18 Q. Now you are a student of Discipline as I understand
19 it.

20 A. I never said that.

21 Q. Okay. Well, let me ask you like Brother Curry
22 before me to look at the Discipline and in this case if
23 you would please sir turn to page 69 and look at
24 paragraph F.

25 [Whereupon, the witness complies]

1 Q. Look at the second sentence on paragraph F and start
2 with the word provided, provided however and read the
3 rest of that sentence.

4 A. [Reading] Provided however that the same shall not
5 be constructed to mean -- construed to mean the
6 equivalence of a dictatorship nor shall the ---

7 Q. --- that's far enough.

8 MR. CURRY: Objection, Your Honor.

9 Q. [Mr. Johnson] You knew that ---

10 THE COURT: --- hold on a second. What page are
11 you on?

12 MR. JOHNSON: 69.

13 THE COURT: 69?

14 MR. JOHNSON: The middle of paragraph F at the top.

15 THE COURT: Page 69 paragraph F. Let me read it
16 and I'll listen to your objection.

17 MR. CURRY: Thank you, Your Honor.

18 [Whereupon, the court reviews documents]

19 Q. [Mr. Johnson] So you knew that the Bishop did not
20 have dictatorial ---

21 THE COURT: --- hold on a second. I've got to
22 listen to his objection ---

23 MR. JOHNSON: --- oh, I'm sorry ---

24 THE COURT: --- I just want to read it first if you
25 don't mind.

1 [Whereupon, the court reviews documents]

2 THE COURT: All right. What's your objection?

3 MR. CURRY: Your Honor, on the Doctrine's totality
4 he was trying to explain and trying to read it and then
5 he cut him off and didn't let him explain it. So my
6 position is Judge if he's going to read F then let him
7 read F and then let him explain it.

8 THE COURT: You talking about F.

9 MR. CURRY: Yes, that's where he's reading from.

10 THE COURT: On presiding bishop?

11 MR. CURRY: Yes, Your Honor.

12 THE COURT: That's section 1-F.

13 MR. CURRY: On page 69.

14 THE COURT: Well, you've got a chance on redirect
15 if you want to clarify it.

16 MR. CURRY: But he was answering Judge and he ---

17 THE COURT: --- I'll make sure he has an
18 opportunity to explain his answer, okay.

19 MR. CURRY: Thank you, Your Honor.

20 THE COURT: Thank you for drawing it to my
21 attention. Please proceed. Give him an opportunity to
22 explain his answer before you ask another one please,
23 sir.

24 Q. [Mr. Johnson] Is there anything else you wanted to
25 say about paragraph F?

1 A. You were going to ask me a question about it but you
2 never finished.

3 Q. But there was some concern that I cut you off. Is
4 there anything else you wanted to say before I ask
5 another question?

6 A. You had me start in the middle of the sentence and
7 not read the whole thing so I don't...

8 Q. If you want to read more of it, go ahead.

9 A. I'm good.

10 Q. So you knew that the Bishop didn't have dictatorial
11 powers is that correct?

12 MR. CURRY: Objection, Your Honor.

13 THE COURT: Overruled.

14 A. Did I know that at the time?

15 Q. [Mr. Johnson] Yes sir?

16 A. That the letter was sent is that what you're asking
17 me?

18 Q. Yes.

19 A. I don't understand where you're going with this.

20 Q. Well, did you then know or do you -- did you believe
21 that Bishop had dictatorial powers?

22 A. I believe if the letter came from the Bishop it was
23 accompanied by his offices as well so as far as my
24 knowledge because I don't handle this type of the
25 verbiage here I only handle the property so my assumption